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THE

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OF

HARGE against WARREN HASTINGS, Esq.

IV. PRINCESSES OF OUDE:

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HAT the reigning Nabob of Oude, commonly called Asoph ul Dowla (son and successor Shuja ul Dowla), by taking into or continuing pay certain bodies of regular British troops, having afterwards admitted the British Resident at his court into the management of all his foreign and domestick, and particularly into administration of his finances, did gradually in substance and effect, as well as in reputation and estimation, a dependent on, or of, the East-India Company; and was, and such [illegible] the control of the Governour- and [illegible] of [illegible] that, in the opinion [illegible] the English name [illegible] and

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ARTICLES

OF

CHARGE against WARREN HASTINGS, Esq.

IV. PRINCESSES OF OUDE:

I.

THAT the reigning Nabob of Oude, commonly called Asoph ul Dowla (son and successor to Shuja ul Dowla), by taking into or continuing in his pay certain bodies of regular British troops, and by having afterwards admitted the British Resident at his court into the management of all his affairs, foreign and domestick, and particularly into the administration of his finances, did gradually become, in substance and effect, as well as in general repute and estimation, a dependent on, or vassal of, the East-India Company; and was, and is, so much under the control of the Governour-General and Council of Bengal, that, in the opinion of all the Native Powers, the English name

and character is concerned in every act of his Government.

II.

That Warren Hastings, Esquire, contrary to law, and to his duty, and in disobedience to the orders of the East-India Company, arrogating to himself the nomination of the Resident at the Court of Oude, as his particular agent and representative, and rejecting the Resident appointed by the Company, and obtruding upon them a person of his own choice, did from that time render himself in a particular manner responsible for the good government of the provinces composing the dominions of the Nabob of Oude.

III.

That the provinces aforesaid, having been, at the time of their first connexion with the Company, in an improved and flourishing condition, and yielding a revenue of more than three millions of pounds sterling, or thereabouts, did soon after that period begin sensibly to decline; and the subsidy of the British troops stationed in that province, as well as other sums of money due to the Company by treaty, ran considerably in arrear; although the prince of the country, during the time these arrears accrued, was otherwise in distress and had been obliged to reduce all his establishments.

IV. That

IV.

That the prince aforesaid, or Nabob of Oude, did, in humble and submissive terms, supplicate the said Warren Hastings to be relieved from a body of troops, whose licentious behaviour he complained of, and who were stationed in his country without any obligation by treaty to maintain them: pleading the failure of harvest, and the prevalence of famine in his country; a compliance with which request by the said Warren Hastings was refused in unbecoming, offensive, and insulting language.

V.

That the said Nabob, labouring under the aforesaid and other burthens, and being continually urged for payment, was advised to extort, and did extort, from his mother and grandmother, under the pretext of loans (and sometimes without that appearance), various great sums of money, amounting in the whole to £. 630,000 sterling, or thereabouts; alleging in excuse the rigorous demands of the East-India Company, for whose use the said extorted money had been demanded, and to which a considerable part of it had been applied.

VI.

That the two female parents of the Nabob aforesaid were among the women of the greatest

rank, family, and distinction in Asia; and left by the deceased Nabob, the son of the and the husband of the other, in charge of a ce considerable part of his treasures in money, other valuable moveables, as well as certain la estates, called Jaghires, in order to the suppo their own dignity, and the honourable mainten of his women, and a numerous offspring, and dependents; the said family amounting in whole to two thousand persons, who were by said Nabob, at his death, recommended in a ticular manner to the care and protection o said Warren Hastings.

VII.

That on the demand of the Nabob of Oud his parents for the last of the sums, which pleted the six hundred and thirty thousand po aforesaid, they the said parents did positively r to pay any part of the same to their son fo use of the Company, until he should agree to tain terms to be stipulated in a regular tre and, among other particulars, to secure the the remainder of their possessions, and also o account or pretence to make any further dem or claims on them; and, well knowing whence all his claims and exactions had ar they demanded, that the said treaty, or family- pact, should be guarantied by the Goverr

Ge

General and Council of Bengal; and a treaty was accordingly agreed to, executed by the Nabob, and guarantied by John Bristow, Esquire, the Resident at Oude, under the authority, and with the express consent, of the said Warren Hastings and the Council-General, and, in consequence thereof, the sum last required was paid, and discharges given to the Nabob for all the money, which he had borrowed from his own mother and the mother of his father.

That the distresses and disorders in the Nabob's Government, and his debt to the Company, continuing to increase, notwithstanding the violent methods before mentioned taken to augment his resources, the said Warren Hastings, on the 21st of May, and on the 31st July 1781 (he and Mr. Wheler being the only remaining members of the Council-General, and he having the conclusive and casting-voice, and thereby being in effect the whole Council) did, in the name and under the authority of the Board, resolve on a journey to the Upper Provinces, in order to a personal interview with the Nabob of Oude, towards the settlement of his distressed affairs; and did give to himself a delegation of the powers of the said Council, in direct violation of the Company's orders, forbidding such delegation.

VIII.

That the said Warren Hastings, having by his

appointment met the Nabob of Oude near a place called Chunar, and possessing an entire and absolute command over the said prince, did, contrary to justice and equity, and the security of property, as well as to publick faith, and the sanction of the Company's guarantee, under the colour of a treaty, which treaty was conducted secretly without a written document of any part of the proceeding (except the pretended treaty itself) authorize the said Nabob to seize upon, and confiscate to his own profit, the landed estates, called Jaghires, of his parents, kindred, and principal nobility; only stipulating a pension to the net amount of the rent of the said lands as an equivalent, and that equivalent to such only, whose lands had been guarantied to them by the Company: but provided neither in the said pretended treaty, nor in any subsequent act, the least security for the payment of the said pension to those, for whom such pension was ostensibly reserved; and, for the others, not so much as a show of indemnity;—to the extreme scandal of the British Government, which, valuing itself upon a strict regard to property, did expressly authorize, if it did not command, an attack upon that right, unprecedented in the despotick Governments of India.

IX.

That the said Warren Hastings, in order to cover the violent and unjust proceedings aforesaid,

did assert a claim of right in the same Nabob to all the possessions of his said mother and grandmother, as belonging to him by the Mahomedan law; and this pretended claim was set up by the said Warren Hastings, after the Nabob had, by a regular treaty ratified and guarantied by the said Hastings as Governour-General, renounced and released all demands on them. And this false pretence of a legal demand was taken up and acted upon by the said Warren Hastings, without laying the said question on record before the Council-General, or giving notice to the persons to be affected thereby, to support their rights before any of the principal magistrates and expounders of the Mahomedan law, or taking publickly the opinions of any person conversant therein.

X.

That, in order to give further colour to the acts of ill faith and violence aforesaid, the said Warren Hastings did cause to be taken at Lucknow, and other places, before divers persons, and particularly before Sir Elijah Impey, knight, his Majesty's Chief Justice, acting extra-judicially, and not within the limits of his jurisdiction, several passionate, careless, irrelevant, and irregular affidavits, consisting of matter not fit to be deposed on oath; of reports, conjectures, and hearsays; some of the persons swearing to the said hearsays

having declined to declare from whom they heard the accounts at second-hand sworn to; the said affidavits in general tending to support the calumnious charge of the said Warren Hastings, namely, that the aged women before mentioned had formed, or engaged in, a plan for the deposition of their son and sovereign, and the *utter extirpation* of the English nation: and neither the said charge against persons, whose dependence was principally, if not wholly, on the good faith of this nation, and highly affecting the honour, property, and even lives, of women of the highest condition; nor the affidavits intended to support the same, extra-judicially taken *ex parte*, and without notice, by the said Sir Elijah Impey, and others, were at any time communicated to the parties charged, or to any agent for them; nor were they called upon to answer, nor any explanation demanded of them.

XI.

That the article affecting private property secured by publick acts, in the said pretended treaty, contains nothing more than a general permission, given by the said Warren Hastings, for confiscating such Jaghires, or landed estates, with the modifications therein contained, "as *he* [the Nabob] "may find necessary;" but does not directly point at, or express by name, any of the landed possessions of the Nabob's mother. But soon after the signing

signing of the said pretended treaty (that is, on the 29th November 1781) it did appear, that a principal object thereof was to enable the Nabob to seize upon the estates of his female parents aforesaid, which had been guarantied to them by the East-India Company. And although in the treaty, or pretended treaty, aforesaid, nothing more is purported than to give a simple permission to the Nabob to seize upon and confiscate the estates, leaving the execution or non-execution of the same wholly to his discretion, yet it appears, by several letters from Nathaniel Middleton, Esquire, the Resident at the Court of Oude, of the 6th, 7th, and 9th of December 1781, that no such discretion, as expressed in the treaty, was left, or intended to be left, with him the said Nabob; but that the said article ought practically to have a construction of a directly contrary tendency; that, instead of considering the article as originating from the Nabob, and containing a power provided in his favour, which he did not possess before, the confiscation of the Jaghires aforesaid was to be considered as a measure from the English, and to be intended for their benefit, and as such, that the execution was to be forced upon him; and the execution thereof was accordingly forced upon him. And the Resident, Middleton, on the Nabob's refusal to act in contradiction to his sworn engagement, guarantied by the East-India Company, and in the undutiful and unnatural manner required, did wholly

totally supersede his authority in his own dom
nions, considering himself as empowered so to a
by the instructions of the said Hastings, althoug
he had reason to apprehend a general insurrectic
in consequence thereof, and that he found it n
cessary to remove his family, " which he did n
" wish to retain there, in case of a rupture wi
" the Nabob, or the necessity of employing th
" British forces in the reduction of *his* Aumils an
" troops;" and he did accordingly, as sovereig
issue his own edicts and warrants, in defiance
the resistance of the Nabob, in the manner by hi
described in the letters aforesaid, in a letter of 6t
December 1781, that is to say, " *Finding th*
" *Nabob wavering in his determination about th*
" *resumption of the Jaghires*, I this day, in pre
" sence of and with the minister's concurrenc
" ordered the necessary Perwannahs to be writte
" to the several Aumils for that purpose; and
" was my firm resolution to have dispatched the
" this evening, with proper people to see the
" punctually and implicitly carried into execution
" but before they were all transcribed I receive
" a message from the Nabob, who had been in
" formed by the minister of the resolution I ha
" taken, entreating, that I would withhold the Per
" wannahs until to-morrow morning, when h
" would attend me, and afford me satisfaction o
" this point. As the loss of a few hours in th
" dispatc

" dispatch of the Perwannahs appeared of little " moment, and as it is possible the Nabob, *seeing*, " *that the business will at all events be done, may* " *make it an act of his own, I have consented to* " *indulge him in his request; but, be the result* " *of our interview whatever it may, nothing shall* " *prevent the orders being issued to-morrow, either* " *by him or myself, with the concurrence of the* " *ministers.* Your pleasure respecting the Begums " I have learnt from Sir Elijah; and the measure " heretofore proposed will soon follow the resump- " tion of the Jaghires. From both, or indeed " from the former alone, I have no doubt of the " complete liquidation of the Company's balance." —And also in another letter of the 7th December 1781,—" I had the honour to address you yester- " day, informing you of the steps I had taken in " regard to the resumption of *the Jaghires. This* " *morning the Vizier came to me according to his* " *agreement, but seemingly without any intention* " *or desire to yield me satisfaction on the subject* " *under discussion; for, after a great deal of con-* " *versation, consisting, on his part, of trifling eva-* " *sion, and puerile excuses for withholding his assent* " *to the measure, though at the same time professing* " *the most implicit submission to your wishes, I* " *found myself without any other resource than* " *the one of employing that exclusive authority,* " *with which I consider your instructions to vest* " *me:*

" *me: I therefore declared to the Nabob, in pre-*
" *sence of the minister and Mr. Johnson, who I*
" *desired might bear witness of the conversation,*
" *that I construed his rejection of the measure pro-*
" *posed as a breach of his solemn promise to you,*
" *and an unwillingness to yield that assistance,*
" *which was evidently in his power, towards liqui-*
" *dating his heavy accumulating debt to the Com-*
" *pany*; and that I must in consequence deter-
" mine, in my own justification, *to issue imme-*
" *diately the Perwannahs*, which had only been
" withheld in the sanguine hope, that he would
" be prevailed upon to *make that his own act*,
" which nothing but the most urgent necessity
" could force *me to make mine.*—He left me with-
" out any reply; but afterwards sent for his mi-
" nister, and authorized him to give me hopes,
" that my requisition would be complied with;
" on which I expressed my satisfaction, but de-
" clared, that I could admit of no further delays;
" and unless I received his Excellency's formal
" acquiescence before the evening, I should then
" most assuredly issue *my* Perwannahs; which *I*
" *have accordingly done*, not having had any assur-
" ances from his Excellency, that could justify a
" further suspension. I shall, as soon as possible,
" inform you of the effects of the Perwannahs,
" which, in many parts, I am apprehensive it will
" be found necessary *to enforce with military aid.*

" I am

" I am not, however, entirely without hopes, that " the Nabob, when *he sees the inefficacy of further* " *opposition*, may alter his conduct, and prevent " *the confusion and disagreeable consequences, which* " *would be too likely to result from the prosecution* " *of a measure of such importance without his con-* " *currence.* His Excellency talks of going to Fy- " zabad, for the purpose heretofore mentioned, in " three or four days; *I wish he may be serious in* " *his intention*, and you may rest assured, *I shall* " *spare no pains to keep him to it.*"——And further, in a letter of the 9th December 1781—" I " had the honour to address you on the 7th in- " stant, informing you of the conversation, which " had passed between the Nabob and me, on the " subject of resuming the Jaghires, and the step I " had taken in consequence. *His Excellency ap-* " *peared to be very much hurt and incensed at the* " *measure; and loudly complains of the treachery* " *of his ministers; first, in giving you any hopes,* " *that such a measure would be adopted; and, se-* " *condly, in their promising me their whole support* " *in carrying it through: but, as I apprehend,* " *rather than suffer it to appear, that the point had* " *been carried in opposition to his will, he at* length " yielded a *nominal* acquiescence, and has this " day issued his own Perwannahs to that effect; " *declaring, however, at the same time, both to me* " *and his ministers, that it is an act of com-*

" *pulsion.* I hope to be able in a few days, in con-
" sequence of this measure, to transmit you an
" account of the actual value and produce of the
" Jaghires, opposed to the nominal amount, at
" which they stand rated on the books of the
" Sircar."

XII.

That the said Warren Hastings, instead of expressing any disapprobation of the proceedings aforesaid in violation of the rights secured by treaty with the mother and grandmother of the reigning prince of Oude, and not less in violation of the sovereign rights of the Nabob himself, did by frequent messages stimulate the said Middleton to a perseverance in, and to a rigorous execution of, the same; and in his letter from Benares of the 25th December 1781, did "express doubts of his
" firmness and activity, and above all, of his re-
" collection of his instructions, and their import-
" ance; and that, if he could not rely on his own
" [power] and the means he possessed for per-
" forming those services, he *would free him* [the
" said Middleton] *from the charges,* and would
" proceed *himself* to Lucknow, and would *himself*
" undertake them."

XIII.

That very doubtful credit is to be given to any letters

letters written by the said Middleton to the said Warren Hastings, when they answer the purposes, which the said Warren Hastings had evidently in view, the said Middleton having written to him in the following manner from Lucknow, 30th December 1781:

XIV.

" My dear Sir,

" I have this day answered your *publick* letter " in the form *you seem to expect*. I hope there is " nothing in it, that may appear to you too " pointed. *If you wish the matter to be other-* " *wise understood than I have taken up and stated* " *it, I need not say I shall be ready to conform to* " *whatever you may prescribe, and to take upon* " *myself any share of the blame of the (hitherto)* " *non-performance of the stipulations made on be-* " *half of the Nabob*. Though I do assure you, I " myself represented to his Excellency and the " ministers, conceiving it to be your desire, that " *the apparent assumption of the reins of his govern-* " *ment* (for in that light he undoubtedly considered " it at the first view) as specified in the agreement " executed by him, was not meant to be *fully* and " *literally* enforced, but that it was necessary *you* " *should have something to show on your side, as* " *the Company were deprived of a benefit without* " *a requital; and upon the faith of this assurance*

" *alone*,

" *alone*, I believe I may safely affirm his Excel-
" lency's objections to signing the treaty were
" given up. If I have understood the matter
" wrong, or misconceived your design, I am truly
" sorry for it; *however, it is not too late to correct*
" *the errour*; *and I am ready to undertake, and,*
" *God willing, to carry through, whatever you*
" *may, on receipt of my publick letter, tell me is*
" *your final resolve.*"

XV.

That it appears, but on his the said Middleton's sole authority, in a letter from the said Middleton, dated Lucknow, 2d December 1781, that the Nabob of Oude, wishing to evade the measure of resuming the Jaghires aforesaid, did send a message to him, purporting, " that if the measure
" proposed was intended to procure the payment
" of the balance due to the Company, he could
" better, and more expeditiously, effect that object
" by taking from his mother the treasures of his
" father, which he did assert to be in her hands,
" and to which he did claim a right; and that it
" would be sufficient, that he the said Hastings
" *would hint his opinion upon it, without giving a*
" *formal sanction to the measure proposed*; and
" that whatever his resolution upon the subject
" should be, it would be expedient to keep it
" secret;" adding, " *the resumption of the Jaghires*
" *it*

" *it is necessary to suspend till I have your answer* " *to this letter.*"

XVI.

That it does not appear, that the said Hastings did write any letter in answer to the proposal of the said Middleton, but he, the said Hastings, did communicate his pleasure thereon to Sir Elijah Impey, being then at Lucknow, for his the said Middleton's information; and it does appear, that the seizing of the treasures of the mother of the Nabob, said to have been proposed as *an alternative* by the said Nabob to prevent the resumption of the Jaghires, was determined upon and ordered by the said Hastings; and that the resumption of the said Jaghires, for the ransom of which the seizing of the treasures was proposed, was also directed; not one only, but both sides of the alternative being enforced upon the female parents of the Nabob aforesaid, although both the one and the other had been secured to them by a treaty with the East India Company.

* XVIII.

* See Orig.

That Sir Elijah Impey, knight, His Majesty's Chief Justice at Fort-William, did undertake a journey of nine hundred miles, from Calcutta to Lucknow, on pretence of health and pleasure; but was in reality in the secret of these and other

irregular transactions, and employed as a channel of confidential communication therein. And the said Warren Hastings, by presuming to employ the said Chief Justice, a person particularly unfit for an agent, in the transaction of affairs, *primâ facie* at least unjust, violent, and oppressive, contrary to publick faith, and to the sentiments and law of nature, and which he the said Hastings was sensible "could not fail to draw obloquy on himself by "his participation," did disgrace the king's commission, and render odious to the natives of Hindostan the justice of the Crown of Great Britain.

XIX.

That although the said Warren Hastings was from the beginning duly informed of the violence offered to the personal inclinations of the Nabob in the "apparent assumption of the reins of his "government" for the purposes aforesaid, yet, more than two years after, he did write to his private agent, Major Palmer, that is to say, in his letter of the 6th of May 1783, "that it has been "a matter of *equal surprise and concern* to him, to "learn from the letters of the Resident, that the "Nabob Vizier was with difficulty, and almost "unconquerable reluctance, induced to give his "consent to the attachment of the treasure depo-"sited by his father under the charge of the "Begum his mother, and to the resumption of "her

" her Jaghire, and the other Jaghires of the indi-
" viduals of his family;" which pretence of ignorance of the Nabob's inclinations is fictitious and groundless. But whatever deception he might pretend to be in concerning the original intention of the Nabob, he was not, nor did he pretend to be, ignorant of his, the Nabob's, reluctance to *proceed* in the said measures; but did admit his knowledge of the Nabob's reluctance to their full execution, and yet did justify the same as follows:

XX.

" I desire, that you will inform him (the Nabob)
" that in these and the other measures, which were
" either proposed by him, or received his concur-
" rence in the agreement passed between us at
" Chunar, I neither had nor could have any object
" *but his relief, and the strengthening of his con-*
" *nexion with the Company*; and that I should not
" on any other ground have exposed myself to *the*
" *personal obloquy, which they could not fail to*
" *draw upon me by my participation in them,* but
" left him to regulate, by his own discretion, and
" by his own means, the economy of his own
" finances, and, *with much more cause, the assertion*
" *of his domestick right. In these he had no regular*
" *claim to my interference*; nor had I, in my
" publick character, any claim upon him, but for
" the payment of the debt then due from him to

" the Company, although I was under the strongest " obligations to require it for the relief of the pres- " sing exigencies of their affairs.—He will well " remember the manner, in which, at a visit to him " in his own tent, I declared my acquiescence " freely, and without hesitation, to each proposition, " which afterwards formed the substance of a " written agreement, as he severally made them ; " and he can want no other evidence of my motives " for *so cheerful a consent*, nor for the requests, " which I added as the means of fulfilling his pur- " poses in them. Had he not made these measures " his own option, I should not have proposed " them ; *but having once adopted them, and made* " *them the conditions of a formal and sacred agree-* " *ment, I had no longer an option to dispense with* " *them, but was bound to the complete performance* " *and execution of them, as points of publick duty,* " *and of national faith, for which I was responsible* " *to my king, and the Company my immediate su-* " *periours ; and this was the reason for my insisting* " *on their performance and execution, when I was* " *told, that the Nabob himself had relaxed from his* " *original purpose, and expressed a reluctance to* " *proceed in it.*"

XXI.

That the said Warren Hastings does admit, that the Nabob *had* originally no regular claim upon him

him for his interference, or he any claim on the Nabob, which might entitle him to interfere in the Nabob's domestick concerns; yet, in order to justify his so invidious an interference, he did, in the letter aforesaid, give a false account of the said treaty, which (as before mentioned) did nothing more than give a *permission* to the Nabob to resume the Jaghires, *if HE should judge the same to be necessary*; and did therefore leave the right of dispensing with the whole, or any part thereof, as much in his option after the treaty, as it was before; the declared intent of the article being only to remove the restraint of the Company's guarantee forbidding such resumption, but furnishing nothing, which could authorize putting that resumption into the hands and power of the Company, to be enforced at their discretion. And with regard to the other part of the spoil made by order of the said Hastings, and by him, in the letter aforesaid, stated to be made equally against the will of the Nabob, namely that, which was committed on the personal and moveable property of the female parents of the Nabob, nothing whatsoever in relation to the same is stipulated in the said pretended treaty.

XXII.

That the said Hastings in asserting, that he was bound to the acts aforesaid by publick duty, and even by national faith, in the very instance, in which

that national faith was by him grossly violated; and in justifying himself by alleging, that he was bound to the *complete* execution by a responsibility to the Company, which he immediately served; and by asserting, that these violent and rapacious proceedings, subjecting all persons concerned in them to obloquy, would be the means of strengthening the connexion of the Nabob with the British united Company of Merchants trading to the East Indies; did disgrace the authority, under which he immediately acted. And that the said Hastings, in justifying his obligations to the said acts by a responsibility to the *king*, namely, to the King of Great Britain, did endeavour to throw upon His Majesty, his lawful sovereign (whose name and character he was bound to respect, and to preserve in estimation with all persons, and particularly with the sovereign princes, the allies of his Government) the disgrace and odium of the aforesaid acts, in which a sovereign prince was by him, the said Hastings, made an instrument of perfidy, wrong, and outrage to two mothers and wives of sovereign princes; and in which he did exhibit to all Asia (a country remarkable for the utmost devotion to parental authority) the spectacle of a Christian governour, representing a Christian sovereign, compelling a son to become the instrument of such violence and extortion against his own mother.

That the said Warren Hastings, by repeated

messages and injunctions, and under menaces of "a dreadful responsibility," did urge the Resident to a completion of this barbarous act; and well knowing, that such an act would probably be resisted, did order him the said Resident to use the British troops under his direction for that purpose; and did offer the assistance of further forces, urging the execution in the following peremptory terms: "you *yourself* must be *personally present*; you "must not allow *any* negotiation or forbearance; "but must prosecute both services, until the "Begums (princesses) are at the entire mercy of "the Nabob." 16th Dec. 1781.

XXIII.

That in conformity to the said peremptory orders a party of British and other troops, with the Nabob in the ostensible, and the British Resident in the real, command, were drawn towards the city of Fyzabad, in the castle of which city the mother and grandmother of the Nabob had their residence; and after expending two days in negotiation (the particulars of which do not appear) the Resident not receiving the satisfaction he looked for, the town was first stormed, and afterwards the castle; and little or no resistance being made, and no blood being shed on either side, the British troops occupied all the outer enclosure of the palace 18th Jan. 1782.

palace of one of the princesses, and blocked up the other.

XXIV.

That this violent assault, and forcible occupation of their houses, and the further extremities they had to apprehend, did not prevail on the female parents of the Nabob to consent to any submission, until the Resident sent in unto them a letter from the said Warren Hastings (no copy of which appears) declaring himself no longer bound by the guarantee, and containing such other matter as tended to remove all their hopes, which seemed to be centred in British faith.

18th Jan. 1782.

XXV.

That the chief officers of their household, who were their treasurers and confidential agents, the eunuchs Jewar Ali Khân and Behar Ali Khân, persons of great eminence, rank, and distinction, who had been in high trust and favour with the late Nabob, were ignominiously put into confinement under an inferiour officer, in order to extort the discovery of the treasures and effects committed to their care and fidelity. And the said Middleton did soon after, that is to say, on the 12th of January 1782, deliver them over for the same purpose into the custody of Captain Neal Stuart, commanding

manding the 8th regiment, by his order given in the following words: " to be kept in close and secure " confinement, admitting of no intercourse with " them, excepting by their four menial servants, " who are authorized to attend them until further " orders. You will allow them to have any neces- " sary and convenience, which may be consistent " with a strict guard over them."

XXVI.

That in consequence of these severities upon herself, and on those, whom she most regarded and trusted, the mother of the said Nabob did at length consent to the delivering up of her treasures, and the same were paid to the Resident, to the amount of the Bond given by the Nabob to the Company for his balance of the year 1779-80, and the said treasure " was taken from the most secret " recesses in the houses of the two eunuchs."

XXVII.

That the Nabob continuing still under the pressure of a further pretended debt to the Company for his balance of the year 1780-81, the Resident, not satisfied with the seizure of the estates and treasures of his parents aforesaid, although he the said Resident did confess, that the princess mother " had declared, with apparent truth, that she had " delivered up the whole of the property in her " hands,

" *hands*, excepting goods, which from the expe-
" rience, which he the Resident had, of the *small*
" *produce* of the sales of a former payment made
" by her in that mode, he did refuse, and that in
" his opinion it certainly would have amounted to
" little or nothing;" did proceed to extort another great sum of money, that is to say, the sum of £. 120,000 sterling, on account of the last pretended balance aforesaid. In order therefore to compel the said ministers and treasurers either to distress their principals by extorting whatever valuable substance might, by any possibility, remain concealed, or to furnish the said sum from their own estates, or from their credit with their friends, he, the Resident, did order their imprisonment to be aggravated with circumstances of great cruelty, giving an order to Lieutenant Francis Rutledge, dated 20th January 1782, in the following words:

XXVIII.

" Sir,

" When this note is delivered to you by Hoolas
" Roy, I have to desire, that you order the two
" prisoners to be put *in irons*, *keeping them from*
" *all food, &c. agreeable to my instructions of*
" *yesterday.*

(Signed) " *Nath. Middleton.*"

XXIX.

That by the said unjust and rigorous proceeding the said eunuchs were compelled to give their engagement for the payment of £.120,000 sterling aforesaid, to be completed within the period of one month; but after they had entered into the said compulsory engagement, they were still kept in close imprisonment, and the mother and grandmother of the Nabob were themselves held under a strict guard; although, at the same time, the confiscated estates were actually in the Company's possession, and found to exceed the amount of what they were rated at in the general list of confiscated estates; and although the assistant Resident Johnson did confess, "that the object of distressing the Bhow Begum was merely to obtain a "*ready-money*, instead of a *dilatory payment*, and "that this ready-money payment, if not paid, was "recoverable in the course of a few months upon "the Jaghires in his possession; and that therefore it was not worth proceeding to any extremities beyond the one described, (namely, the "confinement of the princesses, and the imposing "ment and fettering of their ministers) upon so "respectable a family."

XXX.

That after the surrender of the princesses, and the

passing the bonds and obligations given as aforesaid, the Resident having been strictly ordered by the said Warren Hastings not to make any settlement whatsoever with the said women of high rank, the Nabob was induced to leave the city of Fyzabad without taking leave of his mother, or showing her any mark of duty or civility. And on the same day the Resident left the city aforesaid; and after his return to Lucknow, in order to pacify the said Hastings, who appeared to resent, that the Nabob was not urged to greater degrees of rigour than those hitherto used towards his mother, he the said Resident did, in his letter of the 6th February, give him an assurance in the following words:—"I shall, "as you direct, use my influence to dissuade his "Excellency from concluding *any settlement* until "I have your further commands."

XXXI.

That the payment of the bond last extorted from the eunuchs was soon after commenced, and the grandmother, as well as the mother, were now compelled to deliver what they declared was *the extent of the whole* of both their possessions, including down to their *table utensils*; which, as the Resident admitted, "they had been, and were "still delivering, and that no proof had yet been "obtained of their having more."

XXXII. That

payment, and assuring them, " that the day, on " which their agreement expired, he should be " indispensably obliged to recommence severities " upon them, until the last farthing was fully paid." And in order to add to their terrours and hardships, as well as to find some pretext for the further cruel and inhuman acts intended, an apparently groundless and injurious charge was suggested to the imprisoned ministers aforesaid, in the following words:—" You may also mention to them, that " I have reason to *suspect*, that the commotions " raised by Bulbudder have not been without their " *suggestions and abetment*, which, if proved upon " them, in addition to the *probable* breach of their " agreement, will make their situation *very de-* " *sperate.*"

XXXIV.

That on the receipt of the said letter, that is, on the 2d March, the ministers aforesaid did aver, that they were not able to obtain cash in lieu of the jewels and other effects; but that if the goods were sold, and they released from their confinement, and permitted (as they have before requested) to go abroad among their friends, they could soon make good the deficiency; and they did absolutely deny " that they had any hand in the commotions " raised by Bulbudder, or any kind of correspon- " dence with him or his adherents."

XXXV. That

XXXV.

That the prisoners aforesaid did shortly after, that is to say, on the 13th March, a third time renew their application to Nathaniel Middleton, Esquire, the Resident, and did request, that the jewels remaining in his the said Resident's hands, towards the payment of the balance remaining, "might be valued by four or five eminent mer-"chants, Mussulmen and Hindûs, upon oath;" and that if any balance should afterwards appear, they would upon their release get their friends to advance the same: and they did again represent the hardship of their imprisonment, and pray for relief; and did again assert, that the imputations thrown upon them by the said Richard Johnson were false and groundless; "that they had no "kind of intercourse, either directly or indirectly, "with the authors of the commotions alluded to, "and that they did stake their lives upon the "smallest proof thereof being brought."

XXXVI.

That, instead of their receiving any answer to any of the aforesaid reasonable propositions, concerning either the account stated, or the crimes imputed to them, or any relief from the hardships they suffered, he, the Resident Middleton, did, on the 18th of the said month, give to the officer, who had

had supplicated in favour of the said prisoners, an order, in which he declared himself "under the "disagreeable necessity of recurring to severities, to "enforce the said payment; and that this is there- "fore to desire, that you immediately cause them "*to be put in irons*, and keep them so until I "shall arrive at Fyzabad to take further measures "as may be necessary." Which order being received at Fyzabad the day after it was given, the said eunuchs were a second time thrown into irons. And it appears, that (probably in resentment for the humane representations of the said Captain Jaques) the Resident did refuse to pay for the fetters, and other contingent charges of the imprisonment of the said ministers of the Nabob's mother, when at the same time very liberal contingent allowances were made to other officers; and the said Jaques did strongly remonstrate against the same as follows:—"You have also "ordered me to put the prisoners in irons—this I "have done: yet as I have no business to pur- "chase fetters, or supply them any other way, it "is but reasonable, that you should order me to "be reimbursed. And why should I add any "thing more? A late commander at this place, I "am told, draws near as many thousands monthly "contingencies, as my trifling letter for hundreds. "However, if you cannot get my bill paid, be so "obliging as to return it; and give me an oppor-

"tunity

" tunity of declaring to the world, that I believe I " am the first officer in the Company's service, who " has suffered in his property by an independent " command."

XXXVII.

That, in about two months after the said prisoners had continued in irons in the manner aforesaid, the officer on guard, in a letter of the 18th May, did represent to the Resident as follows.— " The prisoners, Baher and Jewar Ally Khân, who " seem to be very sickly, have requested their " irons might be taken off for a few days, that " they might take medicine, and walk about the " garden of the place where they are confined. " Now, as I am sure *they will be equally as secure* " *without their irons, as with them,* I think it my " duty to inform you of this request: I desire to " know your pleasure concerning it." To which letter the said officer did receive a direct refusal, dated 22d May 1782, in the following words:— " I am sorry it is not in my power to comply " with your proposal of easing the prisoners for a " few days of their fetters. Much as my humanity " may be touched by their sufferings, I should " think it inexpedient to afford them any alle- " viation while they persist in a breach of their " contract with me; and indeed no indulgence " can be shown them without the authority of the

" Nabob, who, instead of consenting to moderate " the rigours of their situation, would be most will- " ing to multiply them." Endeavouring to join the Nabob, whom he well knew to be reluctant in the whole proceeding, as a party in the cruelties, by which, through the medium of her servants, it was intended to coerce his mother.

XXXVIII.

That the said Resident, in a few days after, that is to say, on the 1st June 1782, in a letter to Major Gilpin, in command at Fyzabad, did order the account, as by himself stated, to be read to the prisoners; and, without taking any notice of their proposal concerning the valuation of the effects, or their denial of the offences imputed to them, to demand a positive answer relative to the payment; and, " upon receiving from them a negative or " unsatisfactory reply, to inform them, that, all " further negotiation being at an end, they must " prepare for their removal to Lucknow, where " they would be called upon to answer not only " their recent breach of faith and solemn engage- " ment, but also to atone for other heavy offences; " the punishment of which, as had frequently been " signified to them, it was in their power to have " mitigated by a proper acquittal of themselves " in this transaction." By which insinuation concerning the pretended offences of the said

unhappy persons, and the manner, by which they were to atone for the same, and by their never having been specifically and directly made, it doth appear, that the said crimes and offences were charged for the purpose of extorting money, and not upon principles, or for the ends, of justice.

XXXIX.

That after some ineffectual negotiations to make the prisoners pay the money, which it does not appear to have been in their power to pay, they were again threatened by the Resident, in a letter to Major Gilpin, dated 9th June 1782, in the following terms :—" I wish you to explain once " more to the prisoners the imprudence and folly " of their conduct in forcing me to a measure, " which must be attended with consequences so " very serious to them ; and that, when once they " are removed to Lucknow, it will not be in my " power to show them mercy, or to stand between " them and the vengeance of the Nabob. Advise " them to reflect seriously upon the unhappy situ- " ation, in which they will be involved in one case, " and the relief it will be in my power to procure " them in the other; and let them make their " option."

XL.

That he, the said Resident, did also, at the

same time, receive a letter from the princess mother, which letter does not appear, but to which only the following insolent return was made; that is to say, "the letter from the Bhow Begum is no "ways satisfactory, and I cannot think of re- "turning an answer to it. Indeed all correspon- "dence between the Begum and me has long "been stopped; and I request you will be pleased "to inform her, that I by no means wish to re- "sume it, or to maintain any friendly intercourse "with her, until she has made good my claim "upon her for the balance due."

XLI.

That in consequence of these threats, and to prevent a separation of the ministers from their mistresses, several plans for the payment of the balance were offered both by the mother of the Nabob, and the prisoners, to which no other objection appears to have been made, than the length of time required by the parties to discharge the comparatively small remainder of the extorted bond; the officer on command declaring, that, conformably to his instructions, he could not receive the same.

jor Gil- 's Let- , 15th ie 1782.

XLII.

That the prisoners were actually removed from the city of their residence to the city of Lucknow, where they arrived on the 24th of June 1782, and were,

were, on the next day, threatened with severities, "to make them discover where the balance might "be procurable." And on the 28th, it should seem, that the severities, for the purpose aforesaid, were inflicted, at least upon one of them; for the assistant Resident, Johnson, did, on that day, write to Captain Waugh, the officer commanding the guard, the letter following, full of disgrace to the honour, justice, and humanity of the British nation.

XLIII.

"Sir,

"The Nabob having determined to *inflict cor-* "*poral punishment upon the prisoners* under your "guard, this is to desire, that his officers, when "they shall come, may have free access to the "prisoners, and *be permitted to do with them as* "*they shall see proper*, only taking care, that they "leave them always under your charge."

XLIV.

That the said Richard Johnson did, further to terrify the prisoners, and to extort by all ways the remainder of the said unjust, oppressive, and rapacious demand, threaten to remove them out of the Nabob's dominions into the castle of Churnagur, in order for ever to separate them from their principals, and deprive both of their reciprocal protection and services, and did order a further guard

Mr. Johnson's Letter, 9th July, 171

Mr. Johnson's Letter, 4th July 1782.

to be put on the palace of the grandmother of the Nabob, an ally of the Company, and to prevent the entrance of the provisions to her, (which order relative to the guard only was executed) and did use sundry unworthy and insulting menaces both with regard to herself and to her principal ministers.

XLV.

Major Gilpin's Letter, 6th July 1782.

Mr. Johnson's Letter, 22d July 1782.

That a proposal was soon after made by the said princess and her daughter-in-law, praying, that their ministers aforesaid should be returned to Fyzabad, and offering to raise a sum of money on that condition; as also that they would remove from one of their palaces, whilst the English were to be permitted to search the other. But the assistant Resident Johnson did, instead of a compliance with the former of these propositions, send the following orders, dated 23d July 1782, to the officer commanding the guard on the ministers aforesaid: "some violent demands having been "made for the release of the prisoners, it is neces- "sary, that every possible precaution be taken for "their security; you will therefore be pleased to "be very strict in guarding them; and I herewith "send *another pair of fetters to be added to those* "*now upon the prisoners.*" And in answer to the second proposition, the said Resident did reply in the following terms: "the proposal of evacuating

"one

" one palace, that it may be searched, and then " evacuating the next, upon the same principle, is " apparently fair; but it is well known, in the first " place, that such bricked-up, or otherwise hidden, " treasure is not to be hit upon in a day without " a guide. I have therefore informed the Nabob " of this proposal, and if the matter is to be re- " duced to a search, he will go himself with such " people as he may possess for information, to- " gether with the prisoners; and when in posses- " sion of the ground, by *punishing the prisoners*, or " by such *other means as he may find most effec-* " *tual* to forward a successful search upon the " spot, he will avail himself of the proposal made " by the Bhow Begum."

XLVI.

That, probably from the Nabob's known and avowed reluctance to lend himself to the perpetration of the oppressive and iniquitous proceedings of the representative of the British Government, the scandalous plan aforesaid was not carried into execution: and all the rigours practised upon the chief ministers of the ladies aforesaid at Lucknow being found ineffectual, and the princess mother having declared herself ready to deliver up every thing valuable in her possession, which Baber Ally Khán, one of her confidential ministers aforesaid, only could come at, the said change of prison was

or Gil- s Let- , 16th e and 1 Sept. 2.

agreed to;—but not until the Nabob's mother aforesaid had engaged to pay for the said change of prison a sum of ten thousand pounds, (one half of which was paid on the return of the eunuchs) and that "she would ransack the *Zenana* (women's "apartments) for kincobs, muslins, clothes, &c. "&c. &c. and that she would even allow a deduc- "tion from the annual allowance made to her for "her subsistence in lieu of her Jaghire."

XLVII.

jor Gil- 's Let- , 15th ıt. 1782.

That soon after the return of the aforesaid ministers to the place of their imprisonment at Fyzabad, bonds for the five thousand pounds aforesaid, and goods, estimated, according to the valuation of a merchant appointed to value the same, at the sum of forty thousand pounds, even allowing them to sell greatly under their value, were delivered to the commanding officer at Fyzabad; and the said commanding officer did promise to the Begum to visit Lucknow with such proposals as he hoped would secure the *small balance* of fifteen thousand pounds remaining of the unjust exaction aforesaid. But the said Resident Middleton did, in his letter of the 17th of the said month, positively refuse to listen to any terms before the final discharge of the whole of the demand; and did positively forbid the commanding officer to come to Lucknow to make the proposal aforesaid, in the terms

terms following: "as it is not possible to listen "to *any* terms from the Begums before the final "discharge of their conditional agreement for "fifty-five lacks, your coming here upon such an 'agency can only *be loss of time* in completing the "recovery of the balance of 6,55,000, for which "your regiment was sent to Fyzabad. I must "therefore desire you will leave *no efforts, gentle* "*or harsh,* unattempted to complete this, before "you move from Fyzabad; and I am very anxious, "that this should be as soon as possible, *as I want* "*to employ your regiment upon other emergent* "*service, now suffering by every delay.*"

XLVIII.

That the goods aforesaid were sent to Lucknow, and disposed of in a manner unknown; and the harsh and oppressive measures aforesaid being still continued, the Begum did, about the middle of October 1782, cause to be represented to the said Middleton as follows: "that her situation was "truly pitiable; her estate sequestered; her trea- "sury ransacked; her Cojahs prisoners; and her "servants deserting daily from want of subsistence. "That she had solicited the loan of money, to "satisfy the demands of the Company, from every "person, that she imagined would or could assist "her with any; but that the opulent would not "listen to her adversity.—She had hoped, that the "wardrobe

Major Gilpin's Letter, 19th Oct. 1782

" wardrobe sent to Lucknow might have sold for " at least one half of the Company's demands on " her; but even jewellery and goods, she finds " from woful experience, lose their value the " moment it is known they come from her. That " she had now solicited the loan of cash from " Almas Ally Cawn, and if she failed in that ap- " plication, she had no hopes of ever borrowing a " sum equal to the demand."—An hope not likely to be realized, as the said Almas Ali was then engaged for a sum of money to be raised for the Company's use on the security of their confiscated lands, the restoration of which could form the only apparent security for a loan.

XLIX.

That this remonstrance produced no effect on the mind of the aforesaid Resident; who being about this time removed from his Residency did, in a letter to his successour Mr. Bristow, dated 23d October 1782, in effect recommend a perseverance in the cruel and oppressive restraints aforesaid, as a certain means of recovering the remainder of the extorted bond; and that the lands, with which the princesses aforesaid had been endowed, should not be restored to them.

L.

That the said Warren Hastings was duly apprized

prized of all the material circumstances in the unjust proceedings aforesaid; but did nothing to stop the course they were in, or to prevent, relieve, or mitigate, the sufferings of the parties affected by them; on the contrary, he did, in his letter of the 25th of January 1782 to the Resident Middleton, declare, that the Nabob having consented to the "resumption of the Jaghires held by the Begums, "and to the confiscation of their treasures, and "thereby involved my own name, and the credit "of the Company in a participation of both mea-"sures, I have a right to *require and insist on the* "*complete execution of them*; and I look to you "for their execution, declaring, that I shall hold "you accountable for it." And it appears, that he did write to the Nabob a letter in the same peremptory manner; but the said letter has been suppressed.

LI.

That he the said Hastings further did manifest the concern he took in, and the encouragement, which he gave to, the proceedings aforesaid by conferring honours and distinctions upon the ministers of the Nabob, whom he, the Nabob, did consider as having in the said proceedings disobeyed him and betrayed him, and as instruments in the dishonour of his family, and the usurpation of his authority.—That the said ministers did make

make addresses to the said Hastings for that purpose (which addresses the said Hastings hath suppressed); and the Resident Middleton did, with his letter of the 11th of February 1782, transmit the same; and did, in the said letter, acquaint the said Hastings, "that the ministers of the Nabob "had incurred much odium on account of their "participation in his measures, and that they were "not only considered by the party of the dis-"possessed Jaghiredars, and the mother and uncle "of the Nabob, but *by the Nabob himself*, as the "*dependants of the English Government, which* "*they certainly are, and it is by its declared and* "*most obvious support alone*, that they can main-"tain the authority and influence, which is indis-"pensably necessary." And the said Middleton did therefore recommend, "that they should be "honoured with some testimony of his (the said "Hastings's) approbation and favour." And he the said Warren Hastings did send kellauts, or robes of honour (the most publick and distinguished mode of acknowledging merit known in India) to the said ministers in testimony of his approbation of their late services.

LII.

That the said Hastings did not only give the aforesaid publick encouragement to the ministers of the Nabob to betray and insult their master and his

his family in the manner aforesaid, but when the said Nabob did write several letters to him the said Hastings, expressive of his dislike of being used as an instrument in the dishonourable acts aforesaid, and refusing to be further concerned therein, he the said Warren Hastings did not only suppress and hide the said letters from the view of the Court of Directors, but in his instructions to the Resident Bristow did attribute them to Hyder Beg Khân, minister to the Nabob (whom in other respects he did before, and ever since, support against his master), and did express himself with great scorn and contempt of the said Nabob, and with much asperity against the said minister; affirming, in proud and insolent terms, that he had, " by an abuse of his influence over the Nabob, he, " the Nabob himself, being, *(as he ever must be* " *in the hands of some person) a mere cipher in his* " *(the said minister's) hand, dared* to make him " (the Nabob) *assume* a very *unbecoming* tone of " refusal, reproach, and resentment, in opposition " to *measures recommended by ME*, and even *to* " *acts done by MY authority*;" the said Hastings, in the instruction aforesaid, particularizing the resumption of the Jaghires, and the confiscation of the treasures, that had been so long suffered to remain in the hands of his (the Nabob's) mother. But the letters of the Nabob, which in the said instructions he refers to, as containing an opposition

sition to the measures recommended by him, and which he asserts was conveyed in a very unbecoming tone of refusal, reproach, and resentment, he the said Hastings hath criminally withheld from the Company, contrary to their orders, and to his duty; and the more, as the said letters must tend to show in what manner the said Nabob did feel the indignities offered to his mother, and the manner, in which the said ministers, notwithstanding their known dependence on the English Government, did express their sense of the part, which their sovereign was compelled to act in the said disgraceful measures. And in further instructions to him the said new Resident, he did declare his approbation of the evil acts aforesaid, as well as his resolution of compelling the Nabob to those rigorous proceedings against his parent, from which he had long shown himself so very averse, in the following words: "the severities, which have been "increased towards the Begums, were most justly "merited by the advantage, which they took of the "troubles, in which I was personally involved last "year, to create a rebellion in the Nabob's Go-"vernment, and to complete the ruin, which they "thought was impending on ours." "If it is the "Nabob's desire to forget and to forgive their past "offences, I have no objection to his allowing "them, in pension, the nominal amount of their "Jaghires; but if he shall *ever offer* to restore

"their

" their Jaghires to them, or to give them any " property in land, after the warning, which they " have given him by the dangerous abuse, which " they formerly made of his indulgence, you must " remonstrate in the strongest terms against it; " *you must not permit such an event to take place,* " until this Government shall have received infor- " mation of it, and shall have had time to interpose " its influence for the prevention of it." And the said Warren Hastings, who did, in the manner aforesaid, positively refuse to admit the Nabob to restore to his mother and grandmother any part of their landed estates for their maintenance, did well know, that the revenues of the said Nabob were at that time so far applied to the demands of the Company (by him the said Warren Hastings aggravated beyond the whole of what they did produce), or were otherwise so far applied to the purposes of several of the servants of the Company, and others, the dependants of him the said Hastings, that none of the pensions or allowances, assigned by the said Nabob in lieu of the said estates confiscated, were paid, or were likely to be discharged, with that punctuality, which was necessary even to the scanty subsistence of the persons, to which they were in name and appearance applied. For,

LIII. That,

LIII.

That, so early as the 6th March 1782, Captain Leonard Jaques, who commanded the forces on duty for the purpose of distressing the several women in the palaces at Fyzabad, did compla n to the Resident, Richard Johnson, in the following words: "the women belonging to the Khord Mo- "hul (or lesser palace) complain of their being in "want of every necessary of life, and are at last "driven to that desperation, that they at night get "on the top of the Zenanah, make a great disturb- "ance, and last night not only alarmed the cen- "tinels posted in the garden, but threw dirt at "them; they threaten to throw themselves from "the walls of the Zenanah, and also to break out "of it. Humanity obliges me to acquaint you of "this matter, and to request to know if you have "any directions to give me concerning it. I also "beg leave to acquaint you I sent for Letafit Ali "Khân, the Cojah, who has the charge of them, "and who informs me it is well grounded, that "they *have sold every thing they had, even to the* "*clothes from their backs, and now have no means* "*of subsisting.*"

LIV.

That the distresses of the said women grew so urgent on the night of the said 6th of March, the day

day when the letter above recited was written, that Captain Leonard Jaques aforesaid did think it necessary to write again, on the day following, to the British Resident, in the following words: "I "beg leave to address you again concerning the "women in the Khord Mohul, [the lesser palace]. "Their behaviour last night was so furious, that "there seemed the greatest probability of their "proceeding to the uttermost extremities, and that "they would either *throw themselves from the walls*, "*or force open the doors of the Zenanah.* I have "made every inquiry concerning the cause of their "complaints, and find from Lattafit Ally Khân, "that they are in a *starving condition, having sold* "*all their clothes and necessaries, and now have* "*not wherewithal to support nature*; and as my "instructions are quite silent on this head, I should "be glad to know how to proceed in case they "were to force the doors of the Zenanah, as I "suspect it will happen, should no subsistence be "very quickly sent to them."

LV.

That in consequence of these representations it appears, that the said Resident, Richard Johnson, did promise, that an application should be made to certain of the servants of the Nabob Vizier to provide for their subsistence.

LVI.

That Captain Jaques being relieved from the duty of imprisoning the women of Suja ul Dowla, the late sovereign of Oude, an ally of the Company, who dwelt in the said lesser palace, and Major Gilpin being appointed to succeed, the same malicious design of destroying the said women, or the same scandalous neglect of their preservation and subsistence, did still continue; and Major Gilpin found it necessary to apply to the new Resident Bristow, in a letter of the 30th of October 1782, as follows:

LVII.

" Sir,

" Last night about eight o'clock the women in " the Khord Mohul [lesser palace] or Zenanah " [women's apartment] under the charge of La- " tafut Ally Khân, assembled on the tops of the " buildings, *crying in a most lamentable manner for* " *food, that for the last four days they had got but* " *a very scanty allowance, and that yesterday they* " *had got none.*

LVIII.

" *The melancholy cries of famine are more easily* " *imagined than described*; and from their repre- " sentation, I fear the Nabob's agents for that " business

" business are very inattentive; I therefore think " it requisite to make you acquainted with the " circumstance, that his Excellency the Nabob " may cause his agents to be more circumspect " in their conduct towards these poor unhappy " women."

LIX.

That, although the Resident Bristow did not then think himself authorized to remove the guard, he did apply to the minister of the Nabob, who did promise some relief to the women of the late Nabob, confined in the lesser palace; but apprehending with reason, that the minister aforesaid might not be more ready or active in making the necessary provision for them than on former occasions, he did render himself personally responsible to Major Gilpin for the repayment of any sum, equal to one thousand pounds sterling, which he might procure for the subsistence of the sufferers. But whatever relief was given (the amount thereof not appearing) the same was soon exhausted; and the number of persons to be maintained in the said lesser palace being eight hundred women, the women of the late sovereign, Sujah ul Dowla, and several of the younger children of the said sovereign prince, besides their attendants, Major Gilpin was obliged, on the fifteenth of November following, again to address the Resident by a representation

of this tenour: "Sir, the repeated cries of the "women in the Khord Mohul Zenanah for sub- "sistence have been truly melancholy.

LX.

"*They beg most piteously for liberty, that they* "*may earn their daily bread by laborious ser-* "*vitude, or to be relieved from their misery by im-* "*mediate death.*

LXI.

"In consequence of their unhappy situation, I "have this day taken the liberty of drawing on "you in favour of Ramnarain, at ten days sight, "for twenty Son Kerah rupees, ten thousand of "which I have paid to Cojah Latafut Ally Cawn, "under whose charge that Zenanah is."

LXII.

That, notwithstanding all the promises and reiterated engagements of the minister Hyder Beg Khân, the ladies of the palace aforesaid fell again into extreme distress; and the Resident did again complain to the said minister, who was considered to be, and really and substantially was, the minister of the Governour-General Warren Hastings aforesaid, and not of the Nabob (the said Nabob being, according to the said Hastings's own account, "a "cipher in his [the said minister's] hands)" that the

the funds allowed for their subsistence were not applied to their support. But notwithstanding all these repeated complaints and remonstrances, and the constant promise of amendment on the part of his, the said Hastings's, minister, the supply was not more plentiful or more regular than before.

LXIII.

That the said Resident Bristow, finding by experience the inefficacy of the courses, which had been pursued with regard to the mother and grandmother of the reigning Prince of Oude, and having received a report from Major Gilpin informing him, that all, which could be done by force, had been done; and that the only hope, which remained for realizing the remainder of the money, unjustly exacted as aforesaid, lay in more lenient methods; he, the said Resident, did, of his own authority, order the removal of the guard from the palaces, the troops being long and much wanted for the defence of the frontier, and other material services; and did release the said ministers of the said women of rank, who had been confined and put in irons, and variously distressed and persecuted, as afore recited, for near twelve months.

Major Gilpin's Letter, 18 Nov. 1782.

Mr. Bristow's Letter, 2d 1782.

LXIV.

That the manner, in which the said inhuman acts of rapacity and violence were felt both by the

women of high rank concerned, and by all the people, strongly appears in the joy expressed on their release, which took place on the 5th of December 1782; and is stated in two letters of that date from Major Gilpin to the Resident, in the words following:

LXV.

" I have to acknowledge the receipt of your " letter of the 2d instant, and in consequence " immediately enlarged the prisoners Behar Ally " Khân and Jewar Ally Khân from their confine- " ment; a circumstance, that gave the Begums, " and the city of Fyzabad in general, the greatest " satisfaction.

LXVI.

" In tears of joy Behar and Jewar Ally Khân " expressed their sincere acknowledgments to the " Governour-General, his Excellency the Nabob " Vizier, and to you, Sir, for restoring them to " that invaluable blessing, liberty, for which they " would ever retain the most grateful remem- " brance; and at their request I transmit you the " enclosed letters.

LXVII.

" I wish you had been present at the enlarge- " ment of the prisoners. The quivering lips, with " the

" the tears of joy stealing down the poor men's " cheeks, was a scene truly affecting.

LXVIII.

" If the prayers of these poor men will avail, " you will, at the LAST TRUMP! be translated to " the happiest regions in heaven."

LXIX.

And the Resident Bristow, knowing how acceptable the said proceeding would be to all the people of Oude, and the neighbouring independent countries, did generously and politically (though not truly) in his letter to the princess mother attribute the said relief given to herself, and the release of her ministers, to the humanity of the said Warren Hastings, agreeably to whose orders he pretended to act; asserting, that he the said Hastings " was " the spring from whence she was restored to her " dignity and consequence." And the account of the proceedings aforesaid was regularly transmitted to the said Warren Hastings on the 30th of December 1782, with the reasons and motives thereto, and a copy of the report of the officer concerning the inutility of further force, attended with sundry documents concerning the famishing, and other treatment, of the women and children of the late sovereign; but the same appear to have made no proper impression on the mind of the said

Mr. Bristow's Letter, 12 Dec. 1782.

Warren Hastings: for no answer whatsoever was given to the said letter until the 3d of March 1783, when the said Hastings, writing in his own character and that of the Council, did entirely pass by all the circumstances before recited, but did give directions for the renewal of measures of the like nature and tendency with those, which (for several of the last months at least of the said proceeding) had been employed with so little advantage to the interest, and with so much injury to the reputation, of the Company, his masters, in whose name he acted; expressing himself in the said letter of the 3d of March 1783, as follows: "We desire you will inform us what means have "been taken for recovering the balance [the pre-"tended balance of the extorted money] due from "the Begums [princesses] at Fyzabad; and, if ne-"cessary, you must recommend it to the Vizier *to* "*enforce the most effectual means* for that purpose." And the Resident did, in his answer to the Board, dated 31st March 1783, on this peremptory order, again detail the particulars aforesaid to the said Warren Hastings referring him to his former correspondence, stating the utter impossibility of proceeding further by force, and mentioning certain other disgraceful and oppressive circumstances; and in particular, that the Company did not, in plundering the mother of the reigning prince of her wearing apparel and beasts of carriage, receive a value in the

the least equal to the loss she suffered; the elephants having no buyer but the Nabob, and the clothes, which had last been delivered to Middleton at a valuation of thirty thousand pounds, were so damaged by ill keeping in warehouses, that they could not be sold, even for six months credit, at much more than about eight thousand pounds; by which a loss in a single article was incurred of twenty-two thousand pounds out of the fifty, for the recovery of which (supposing it had been a just debt) such rigorous means had been employed, after having actually received upwards of five hundred thousand pounds in value to the Company, and extorted much more in loss to the suffering individuals. And the said Bristow, being well acquainted with the unmerciful temper of the said Hastings, in order to leave no means untried to appease him, not contented with the letter to the Governour-General and Council, did on the same day write another letter *to him particularly*, in which he did urge several arguments, the necessity of using of which to the said Hastings did reflect great dishonour on this nation, and on the Christian religion therein professed; viz. "that he had experi-
"enced great embarrassment in treating with her
"[the mother of the reigning prince]; for, as the
"mother of the Vizier, the people look up to her
"with great respect; and any hard measures,
"practised against women of her high rank, create
"discontent,

" discontent, and affect our national character." And the said Resident, after condemning very unjustly her conduct, added, " still she is the " mother of the prince of the country, and the " religious prejudices of *Mussulmen* prevail too " strongly in their minds to forget her situation."

LXX.

That the said Warren Hastings did not make any answer to the said letter. But the mother of the prince aforesaid, as well as the mother of his father, being, in consequence of his the said Hastings's directions, incessantly and rudely pressed by their descendant, in the name of the Company, to pay to the last farthing of the demand, they did both positively refuse to pay any part of the pretended balances aforesaid, until their landed estates were restored to them; on the security of which alone they alleged themselves to be in a condition to borrow any money, or even to provide for the subsistence of themselves and their numerous dependants. And, in order to put some end to these differences, the Vizier did himself, about the beginning of August 1783, go to Fyzabad, and did hold divers conferences with his parents, and did consent and engage to restore to them their landed estates aforesaid; and did issue an order, that they should be restored accordingly: but his minister aforesaid, having before his eyes the peremptory

orders of him the said Warren Hastings, did persuade his master to dishonour himself in breaking his faith and engagement with his mother and the mother of his father by first evading the execution, and afterwards totally revoking his said publick and solemn act on pretence, that he had agreed to the grant "from shame, being in "their presence [the presence of his mother and "grandmother], and that it was unavoidable "at the time;"—the said minister declaring to him, that it would be sufficient if he allowed them "money for their *necessary* expenses, and that "would be *doing enough*."

Shoka from the Vizier to Hyder Beg Khân, 2d Ramzan 1197.

LXXI.

That the faith given for the restoration of their landed estates being thus violated, and the money for necessary expenses being as ill supplied as before, the women and children of the late sovereign, father of the reigning prince, continued exposed to frequent want of the common necessaries of life; and, being sorely pressed by famine, they were compelled to break through all the principles of local decorum and reserve, which constitute the dignity of the female sex in that part of the world, and after great clamour and violent attempts, for one whole day, to break the enclosure of the palace, and to force their way into the publick market, in order to move the compassion of

Bristow's Letter, 27th Jan. 1784, with Enclosures.

of the people, and to beg their bread, they did, on the next day, actually proceed to the extremity of exposing themselves to publick view—an extremity, implying the lowest state of disgrace and degradation; to avoid which many women in India have laid violent hands upon themselves—and they did proceed to the publick market-place with the starving children of the late sovereign, and the brothers and sisters of the reigning prince! —A minute account of the transaction aforesaid was written to the British Resident at Lucknow by the person appointed to convey intelligence to him from Fyzabad, in the following particulars, highly disgraceful to the honour, justice, and humanity of this nation:

LXXII.

" The ladies, their attendants, and servants, " were still as clamorous as last night. Letafut, " the Daroga, went to them and remonstrated " with them on the impropriety of their conduct, " at the same time assuring them, that in a few " days all their allowances would be paid; and, " should not that be the case, he would advance " them ten days subsistence upon condition, that " they returned to their habitation. None of " them, however, consented to his proposals; but " were still intent upon making their escape " through the Bazar [market-place], and in conse-

" quence

" quence formed themselves into a line, arranging " themselves in the following order: the children " in the front; behind them the ladies of the se- " raglio; and behind them again their attendants; " but their intentions were frustrated by the oppo- " sition, which they met from Letafut's Sepoys.

LXXIII.

" The next day Letafut went twice to the wo- " men, and used his endeavours to make them " return into the Zenanah, promising to advance " them 10,000 rupees; which, upon the money " being paid down, they agreed to comply with; " but night coming on, nothing transpired.

LXXIV.

" On the day following their clamours were " more violent than usual. Letafut went to con- " sult with them on the business of yesterday " offering the same terms. Depending upon the " fidelity of his promises, they consented to return " to their apartments, which they accordingly did, " except two or three of the ladies, and most of " their attendants. Letafut then went to Hush- " mund Ally Cawn, to consult with him upon what " means they should take. They came to a reso- " lution of driving them in by force; and gave " orders to their Sepoys to beat any one of the " women, who should attempt to move forward.

" The

" The Sepoys consequently assembled; and, each " one being provided with a bludgeon, they drove " them by dint of beating into the Zenanah. The " women seeing the treachery of Letafut, pro- " ceeded to throw stones and bricks at the Sepoys, " and again attempted to get out; but finding that " impossible from the gates being shut, they kept " up a continual discharge of stones and bricks till " about ten; when, finding their situation despe- " rate, they retired into the Kung Mohul, and " forced their way from thence into the palace, " and dispersed themselves about the house and " garden; after this they were desirous of getting " into the Begum's apartment, but she being ap- " prized of their intention ordered her doors to " be shut. In the mean time, Letafut and Hush- " mund Ally Cawn posted sentries to secure the " gates of the lesser Mahal. During the whole " of this conflict, all the ladies and women re- " mained exposed to the view of the Sepoys. The " Begum then sent for Letafut and Hushmund " Ally Cawn, whom she severely reprimanded, " and insisted upon knowing the causes of this " infamous behaviour. They pleaded in their de- " fence the impossibility of helping it, as the " treatment the women had met with had been " conformable to his Excellency the Vizier's " orders. The Begum alleged, that even admit- " ting, that the Nabob had given those orders, they

" were

" were by no means authorized in this manner to " disgrace the family of Shuja Dowla; and should " they not receive their allowance for a day or " two, it could be of no great moment: what was " passed was now at an end; but that the Vizier " should certainly be acquainted with the whole " of the affair, and that whatever he desired she " should implicitly comply with. The Begum " then sent for five of the children, who were " wounded in the affray of last night, and, after " endeavouring to sooth them, she sent again for " Letafut and Hushmund Ally Cawn, and in the " presence of the children expressed her disap- " probation of their conduct, and the improbabi- " lity of Asuf ul Dowla's suffering the ladies and " children of Shuja Dowla to be disgraced by " being exposed to the view of the rabble. Upon " which Letafut produced the letter from the " Nabob, at the same time representing, that he " was amenable only to the orders of his Excel- " lency, and that whatever he ordered it was his " duty to obey; and that had the ladies thought " proper to have retired into their apartments " quietly, he would not have used the means he " had taken to compel them. The Begum again " observed, that what had happened was now " over. She then gave the children 400 rupees, " and dismissed them, and sent word by Jumrud " and the other eunuchs, that if the ladies would

" peaceably

" peaceably retire to their apartments, Letafut " would supply them with 3 or 4,000 rupees for " their personal expenses, and recommended to " them not to incur any further disgrace, and that " if they did not think proper to act agreeably to " her directions, they would do wrong. The ladies " followed her advice, and about ten at night " went back into the Zenanah. The next morn- " ing the Begum waited upon the mother of Shuja " Dowla, and related to her all the circumstances " of the disturbances. The mother of Shuja " Dowla returned for answer, that after there being " no accounts kept of crores of revenues, she was " not surprised, that the family of Shuja Dowla, " in their endeavours to procure a subsistence, " should be obliged to expose themselves to the " meanest of the people. After bewailing their " misfortunes, and shedding many tears, the Begum " took her leave, and returned home."

That the said affecting narrative being sent with others of the same nature, on the 29th of January 1784, to the said Warren Hastings, he did not order any relief in consequence thereof, or take any sort of notice whatsoever of the said intelligence.

LXXV.

That the Court of Directors did express strong doubts of the propriety of seizing the estates aforesaid, and did declare to him the said Hastings, " that

" that the only consolation they felt on the occa-
" sion is, that the amount of those Jaghires, *for*
" *which the Company were guarantees*, is to be paid
" *through our Resident at the Court of the Vizier*;
" and it very materially concerns the credit of
" your Governour on no account to *suffer such*
" *payments to be evaded.*" But the said Warren Hastings did never make the arrangement supposed in the said letter to be actually made, nor did he cause the Resident to pay them the amount of their Jaghires, or to make any payment to them.

And the said Hastings being expressly ordered by the Court of Directors to restore to them their estates, in case the charges made upon them should not be found true, he the said Hastings did contumaciously and cruelly decline any compliance with the said orders until his journey to Lucknow, when he did, as he says, " conformably to the " orders of the Court of Directors, and more to " the inclination of the Nabob Vizier, restore to " them their Jaghires, but with the defalcation, " according to his own account, of a *large portion* " of their respective shares;" pretending, without the least probability, that the said defalcation was a " voluntary concession on their part." But what he has left to them for their support, or in what propertion to that, which he has taken away, he has no where stated to the Court of Directors, whose faith he has broken, and whose

orders he has thus eluded, whilst he pretended to yield *some* obedience to them.

LXXVI.

That the said Warren Hastings having made a malicious, loose, and ill-supported charge, backed by certain unsatisfactory affidavits, as a ground for his seizing on the Jaghires, and the treasures of the Vizier's mother, solemnly guarantied to them; the Court of Directors did, in their letter of the 14th of February 1783, express themselves as follows concerning that measure;—" which the Gover-" nour-General (he the said Warren Hastings) in " his letter to your Board, the 23d of January " 1782, has declared *he strenuously encouraged* " *and supported*; we hope and trust, for the ho-" nour of the British nation, that the measure " appeared fully justified in the eyes of all Hin-" dostan. The Governour-General has informed " us, that it can be well attested, that the Begums " (the mother and grandmother of the Nabob " aforesaid) *principally* excited and supported the " late commotions; and that they carried their " inveteracy to the English nation so far, *as to aim* " *at our utter extirpation.*"—And the Court of Directors did further declare as follows:—" that " it no where appears from the papers at present " in our possession, that they (the mother and " grandmother of the Nabob of Oude) excited

" any commotions previous to the imprisonment " of Rajah Cheit Sing, and only armed themselves " in consequence of that transaction; and it is " probable, that such a conduct proceeded from " motives of self-defence, under an apprehension, " that they themselves might likewise be laid " under unwarrantable contributions."—And the said Court of Directors, in giving their orders for the restoration of the Jaghires, or for the payment of an equivalent through the Resident, did give this order for the restoration of their estates as aforesaid on condition, that it should appear from inquiry, that they were not guilty of the practices charged upon them by the said Hastings. Mr. Stables, one of the Council-General, did, in execution of the said conditional order, propose an inquiry, leading to the ascertainment of the condition, and did enter a Minute as follows: " that " the Court of Directors, by their letters of the " 14th of February 1784, seem not to be satisfied, " that the disaffection of the Begums to this Go- " vernment is sufficiently proved by the evidence " before them; I therefore think, that the late " and present Resident, and commanding officer " in the Vizier's country at the time, should be " called on to collect what further information " they can on this subject, in which the honour " and dignity of this Government is so *materially* " *concerned*; and that such information may be

' transmitted to the Court of Directors." And he did further propose heads and modes of inquiry, suitable to the doubts expressed by the Court of Directors. But the said Warren Hastings, who ought long before, on principles of natural justice, to have instituted a diligent inquiry in support of his so improbable a charge, and was bound, even for his own honour, as well as for the satisfaction of the Court of Directors, to take a strong part in the said inquiry, did set himself in opposition to the same, and did carry with him a majority of Council against the said inquiry into the justice of the cause, or any proposition for the relief of the sufferers; asserting, " that the reasons of the " Court of Directors, if transmitted with the orders " for the inquiry, will prove in effect an order for " collecting evidence *to the justification and ac-* " *quittal of the Begums, and not for the investiga-* " *tion of the truth of the charges, which have been* " *preferred against them.*" That Mr. Stables did not propose, (as in the said Hastings's Minute is groundlessly supposed) that the reasons of the Court of Directors should be transmitted with the orders for an inquiry. But the apprehension of the said Warren Hastings of the probable result of the inquiry proposed did strongly indicate his sense of his own guilt, and the innocence of the parties accused by him; and if, by his construction, Mr. Stables's

Stables's Minute did indicate an inquiry merely for the justification of the parties by him accused, (which construction the motion did not bear) it was no more than what the obvious rules of justice would well support; his own proceedings having been *ex parte*; he having employed Sir Elijah Impey to take affidavits against the women of high rank aforesaid, not only without any inquiry made on their part, but without any communication to them of his practice and proceedings against them; and equity did at least require, that they, with his own knowledge, and by the subordinates of his own Government, should be allowed a publick inquiry to acquit themselves of the heavy offences, with which they had been by him clandestinely charged.

LXXVII.

That he, the said Hastings, in order to effectually stifle the said inquiry, did enter on record a further Minute, asserting, that the said inquiry would be productive "of evils greater than any, which "have already taken place, *and which time has* "*almost obliterated*;" as also the following—"If "I am rightly informed, the Nabob vizier and "the Begums are on terms of mutual good-will. "It would ill become this Government to inter- "pose its influence by any act, which might tend "to revive their animosities, and a very slight

" occasion would be sufficient to effect it. They " will instantly take fire on such a declaration, " proclaim the judgment of the Company in their " favour, demand a reparation of the acts, which " they will construe wrongs, with such a sentence " warranting that construction, and either accept " the invitation, to the proclaimed scandal of the " Nabob Vizier, which *will not add to the credit* " *of our Government*; or remain in his dominions, " but not under his authority, to add to his vexa- " tions, and the disorders of the country, by con- " tinual intrigues and seditions. Enough already " exists to affect his peace and the quiet of his " people. If we cannot heal, let us not inflame, " the wounds, *which have been inflicted.*"—" If the " Begums think themselves aggrieved to such a " degree as to justify them in an *appeal to a foreign* " *jurisdiction*; to appeal to it against a man stand- " ing in the relation of son and grandson to them; " *to appeal to the justice of those, who have been* " *the abettors and instruments of their imputed* " *wrongs*, let us at least permit them to be the " judges of their own feelings, and prefer their " complaints, before we offer to redress them. " They will not need to be prompted. I hope I " shall not depart from the simplicity of official " language in saying, the majesty of justice ought " to be approached with solicitation, not descend " to provoke or invite it, much less to debase itself

" by

" by the suggestion of wrongs, and the promise of " redress, with the denunciation of punishments " before trial, and even before accusation."

LXXVIII.

That the said Warren Hastings, in attempting to pass an act of indemnity for his own crimes, and of oblivion for the sufferings of others, supposing the latter *almost obliterated* by time, did not only mock and insult over the sufferings of the allies of the Company, but did show an indecent contempt of the understandings of the Court of Directors; because his violent attempts on the property and liberty of the mother and grandmother of the ally aforesaid had not their first commencement much above two years before that time, and had been continued, without abatement or relaxation on his part, to the very time of his Minute; the Nabob having, by the instigation of his the said Hastings's instrument, Hyder Beg Khân, not two months before the date of the Consultation, been obliged a second time to break his faith with relation to the estates of his mother in the manner herein before recited. And the said Hastings did not, and could not, conceive, that the clearing the mother could revive any animosity between her and her son, by whom she never had been accused. The said Hastings was also sensible, that the restoration of her landed estates, recommended by the Court of

Directors, could not produce any ill effect on the mind of the said son, as it was " with almost " unconquerable reluctance he had been persuaded " to deprive her of them." And at the time of his submitting to become an instrument in this injustice, he did " declare" both to the Resident and his ministers, " that it was an act of compulsion."

LXXIX.

That the said Hastings further, by insinuating, that the women in question would act amiss in appealing to a *foreign jurisdiction* against a son and grandson, could not forget, that he himself, being that foreign jurisdiction (if any jurisdiction there was) did himself direct and order the injuries; did himself urge the calumnies; and did himself cause to be taken and produced the unsatisfactory evidence, by which the women in question had suffered; and that it was against him the said Hastings, and not against their son, that they had reason to appeal. But the truth is, that the inquiry was moved for by Mr. Stables, not on the prayer, or appeal, of the sufferers, but upon the ill impression, which the said Hastings's own conduct, merely and solely on his own state of it, and on his own evidence in support of it, had made on the Court of Directors, who were his lawful masters, and not suitors in his court. And his arrogating to himself and his colleagues to be a tribunal, and a tribunal, not

not for the purpose of doing justice, but of refusing inquiry, was an high offence and misdemeanor (particularly as the due obedience to the Company's orders was eluded on the insolent pretence, "that the majesty of justice ought to be approached "with solicitation, and that it would debase itself "by the suggestion of wrongs, and the promise of "redress,") in a Governour, whose business it is, even of himself, and unsolicited, not only to promise, but to afford, redress to all those, who should suffer under the power of the Company, even if their ignorance, or want of protection, or the imbecility of their sex, or the fear of irritating persons in rank and station, should prevent them from seeking it by formal solicitation.

LXXX.

That the said Warren Hastings, at the time when he pretended ignorance of all solicitation for justice on the part of the women aforesaid, and on that pretence did refuse the inquiry moved by his colleague Mr. Stables, had in all probability received from the Resident Middleton, or if he had made the slightest inquiry from the said Middleton then at Calcutta, might immediately receive, an account, that *they did actually solicit* the said Resident, through Major Gilpin, for redress against his the said Hastings's calumnious accusation, and the false testimony, by which it was supported; and

and did send the said complaint to the Resident Middleton by the said Gilpin, to be transmitted to him the said Hastings and the Council, so early as the 19th of October 1782; and that she, the mother of the Nabob, did afterwards send the same to the Resident Bristow, asserting their innocence, and accompanying the same with the copies of letters (the originals of which they asserted were in their hands) from the chief witnesses against them, Hannay and Gordon, which letters did directly overturn the charges or insinuations in the affidavits made by them; and that instead of any accusation of an attempt upon them and their parties by the instigation of the mother of the Nabob, or by her ministers, they the said Hannay and Gordon did attribute their preservation to them, and to their services; and did, with strong expressions of gratitude both to the mother of the Nabob and to her ministers, fully acknowledge the same. Which remonstrance of the mother of the Nabob, and the letters of the said Hannay and Gordon, are annexed to this charge; and the said Hastings is highly criminal for not having examined into the facts alleged in the said remonstrance.

See Letters annexed.

LXXXI.

That the violent proceedings of the said Warren Hastings did tend to impress all the neighbouring princes, some of whom were allied in blood

blood to the oppressed women of rank aforesaid, with an ill opinion of the faith, honour, and decency of the British nation; and accordingly, on the journey aforesaid made by the Nabob from Lucknow to Fyzabad, in which the said Nabob did restore, in the manner before mentioned, the confiscated estates of his mother and grandmother, and did afterwards revoke his said grant, it appears, that the said journey did cause a general alarm (the worst motives obtaining the most easy credit with regard to any future proceeding on account of the foregone acts), and excited great indignation among the ruling persons of the adjacent country; insomuch that Major Brown, agent to the said Warren Hastings at the Court of the King Shaw Allum at Delhi, did write a remonstrance therein to Mr. Bristow, Resident at Oude, as follows:—

" the evening of the 7th, at a conference I had
" with Mirza Shaffee Cawn, he introduced a sub-
" ject respecting the Nabob Vizier, which, how-
" ever it may be disagreeable for you to know, and
" consequently for me to communicate, I am
" under a necessity of laying before you. He
" told me he had received information from Luck-
" now, that by the advice of Hyder Beg Cawn
" the Vizier had determined to bring his grand-
" mother, the widow of Sufdar Jung, from Fyza-
" bad to Lucknow, with a view of getting a further
" sum of money from her, by seizing

" eunuchs, digging up the apartments of her house " at Fyzabad, and putting her own person under " restraint. This, he said, he knew was not an " act of our Government, but the mere advice of " Hyder Beg Cawn, to which the Vizier had been " induced to attend. He added, that the old Be- " gum had resolved rather to put herself to death " than submit to the disgrace intended to be put " upon her; that if such a circumstance should " happen, there is *not a man in Hindostan, who* " *will attribute the act to the Vizier* [*Nabob of* " *Oude*] *but every one will fix the odium on the* " *English, who might easily, by the influence they* " *so largely exercise in their own concerns there,* " have prevented such unnatural conduct in the " Vizier. He therefore called upon me, as the " English representative in this quarter, to inform " you of this, that you may prevent a step, which " will destroy all confidence in the English nation " throughout Hindostan, and excite the bitterest " resentment in all those, who by blood are con- " nected with the House of Sufdar Jung." He concluded by saying, " that if the Vizier so little " regarded his family and personal honour, or his " natural duty, as to wish to disgrace his father's " mother for a sum of money, let him plunder her " of all she has, but let him send her safe up to " Delhi, or Agra, and poor as I am, I will furnish " subsistence for her, which she shall possess with

" safety

" safety and honour, though it cannot be adequate " to her rank.—This, Sir, is a most exact detail of " the conversation (as far as related to that affair) " on the part of Mirza Shuffee Cawn. On my " part I could only say, that I imagined the affair " was misrepresented, and that I should write as " he requested. Let me therefore request, that " you will enable me to answer, in a more effec- " tual manner, any further questions on this sub- " ject."

LXXXII.

" As Mirza Shuffee's grandfather was brother " to Sufdar Jung, there can be no doubt of what " his declaration means; and if this measure of " dismissing the old Begum should be persisted in, " I should not, from the state of affairs, and the " character of the Amir ul Omrah, be surprised " at some immediate and violent resolution being " adopted by him."

LXXXIII.

That Mirza Shuffee, mentioned in this correspondence, (who has since been murdered) was of near kindred to the lady in question (grandmother to the Nabob), was resident in a province imm diately adjoining to the province of O d proximity of situation and nearness of c

" embarrassments attending the prosecution of it " to its desired end are considered. The Nabob " was *son* to the Begum, whom we were to pro- " ceed against; a son against a mother must at " least *save appearances in his mode of proceeding.* " —The produce of his negotiation was to be re- " ceived by the Company. Receiving a benefit, " accompanying the Nabob, withdrawing their " protection, were circumstances sufficient to *mark* " *the English as the principal movers in this busi-* " *ness.* At a Court, where no opportunity is lost " to throw odium on us, so favourable an occasion " was not missed to persuade the Nabob, that we " instigated him to dishonour his family for our " benefit. The impressions made by these sug- " gestions constantly retarded the progress, and " more than once actually broke off the business; " which rendered the utmost caution on my part " necessary, especially as I had no assistance to " expect from the ministers, who could not openly " move in the business. In the East, it is well " known, that no man, either by himself or his " troops, can enter the walls of a Zenana, scarcely " in the case of acting against an open enemy, " much less of *an ally*;—*an ally acting against* " *his own mother.* The outer walls, and the Be- " gum's agents, were all, that were liable to imme- " diate attack; they were dealt with, and success- " fully, as the event proved."—He had before observed

observed to Mr. Hastings, in his correspondence, what Mr. Hastings well knew to be true, "that "no further rigour than that he had exerted could "be used against females in that country; where "force could be employed it was not spared.— "That the place of concealment was only known "to the chief eunuchs, who could not be drawn "out of the women's apartments, where they had "taken refuge, and from which, if an attempt had "been made to storm them, they might escape; "and the secret of the money being known only "to them, it was necessary to get their persons "into his hands, which could be obtained by "negotiation only."—The Resident concluded his defence by declaring his "hope, that if the main "object of his orders was fulfilled, he should be "no longer held criminal for a deviation from the "precise letter of them."

LXXXVII.

That the said Warren Hastings did enter a reply to this answer, in support of his criminal charge, continuing to insist, "that his orders ought to have "been literally obeyed," although he did not deny, that the above difficulties occurred, and the above consequences must have been the result; and though the reports of the military officers, charged with the execution of his commission, confirmed the moral impossibility, as well as inutility in point

of profit, of forcing a son to greater violence and rigour against his mother.

LXXXVIII.

That the said Hastings, after all the acts aforesaid, did presume to declare on record, in his Minute of the 23d September 1783, "that whatever may happen of the events, which he dreads, "in the train of affairs now subsisting, he shall at "least receive this consolation under them, that "he used his utmost exertions to prevent them; "and that in the annals of the nations of India, "which have been subjected to the British do-"minions, HE *shall not be remembered among* "*their oppressors.*" And, speaking of certain alleged indignities offered to the Nabob of Oude, and certain alleged suspicions of his authority with regard to the management of his household, he the said Hastings did, in the said Minute, endeavour to excite the spirit of the British nation, severely animadverting on such offences, making use of the following terms: "If there be a spark of gene-"rous virtue in the breasts of any of my country-"men, who shall be the readers of this compila-"tion, this letter [a letter of complaint from the "Nabob] shall stand for an instrument to awaken "it to the call of vengeance against so flagitious "an abuse of authority, and reproach to the "British name."

From

From her Excellency the Bhow Begum to Mr. Bristow, Resident at the Vizier's Court.

THERE is no necessity to write to you by way of information a detail of my sufferings. From common report, and the intelligence of those, who are about you, the account of them will have reached your ears: I will here relate a part of them.

After the death of Suja Dowla, most of his ungrateful servants were constantly labouring to gratify their enmity; but finding from the firm and sincere friendship, which subsisted between me and the English, that the accomplishment of their purposes was frustrated, they formed the design of occasioning a breach in that alliance, to ensure their own success. I must acquaint you, that my son Asuf ul Dowla had formerly threatened to seize my Jaghire; but upon producing the treaty signed by you, and showing it to Mr. Middleton, he interfered, and prevented the impending evil.—The conspiration now framed an accusation against me of a conduct, which I never had conceived even in idea, of rendering assistance to Rajah Cheit Sing. The particulars are as follow:—my son, Asuf ul Dowla and his ministers, with troops, and a train of artillery, accompanied by Mr. Middleton, on the

tected by the Fouzdar for six days. In the mean time a letter was received by me from Colonel Hannay, desiring me to escort Mr. Gordon to Fyzabad. As my friendship for the English was always sincere, I readily complied, and sent some companies of Nejeebs to escort Mr. Gordon, and all his effects, to Fyzabad; where, having provided for his entertainment, I effected his junction with Colonel Hannay. The letters of thanks I received from both these gentlemen upon this occasion are still in my possession; copies of which I gave in charge to Major Gilpin, to be delivered to Mr. Middleton, that he might forward them to the Governour-General. To be brief, those, who have loaded me with accusations, are now clearly convicted of falsehood. But is it not extraordinary, notwithstanding the justness of my cause, that nobody relieves my misfortunes? Why did Major Gilpin return without effect?

My prayers have been constantly offered to Heaven for your arrival; report has announced it; for which reason I have taken up the pen, and request you will not place implicit confidence in my accusers, but, weighing in the scale of justice their falsehoods and my representations, you will exert your influence in putting a period to the misfortunes, with which I am overwhelmed.

disposition, when he was convinced of my want of means, he changed his conduct, and was willing to apply to the Shroffs and Bankers to lend me the money. But with the loss of my Jaghires my credit was sunk; I could not raise the sum; at last, feeling my helpless situation, I collected my wardrobe and furniture, to the amount of about three lacks of rupees, besides fifty thousand rupees, which I borrowed from one place or other, and sent Major Gilpin with it to Lucknow. My sufferings did not terminate here. The disturbances of Colonel Hannay and Mr. Gordon were made a pretence for seizing my Jaghire. The state of the matter is this: when Colonel Hannay was by Mr. Hastings ordered to march to Benares during the troubles of Cheit Sing, the Colonel, *who had plundered the whole country, was incapable of proceeding, from the union of thousands of Zemindars, who had seized this favourable opportunity*; they harassed Mr. Gordon near Junivard, and the Zemindars of that place and Acberpore opposed his march from thence, till he arrived near Sanda. As the Sanda Nutta, from its overflowing, was difficult to cross without a boat, Mr. Gordon sent to the Fouzdar to supply him: he replied, the boats were all in the river, but would, according to orders, assist him as soon as possible. Mr. Gordon's situation would not admit of his waiting; he forded the Nutta upon his elephant, and was hospitably entertained and pro-

tected by the Fouzdar for six days. In the mean time a letter was received by me from Colonel Hannay, desiring me to escort Mr. Gordon to Fyzabad. As my friendship for the English was always sincere, I readily complied, and sent some companies of Nejeebs to escort Mr. Gordon, and all his effects, to Fyzabad; where, having provided for his entertainment, I effected his junction with Colonel Hannay. The letters of thanks I received from both these gentlemen upon this occasion are still in my possession; copies of which I gave in charge to Major Gilpin, to be delivered to Mr. Middleton, that he might forward them to the Governour-General. To be brief, those, who have loaded me with accusations, are now clearly convicted of falsehood. But is it not extraordinary, notwithstanding the justness of my cause, that nobody relieves my misfortunes? Why did Major Gilpin return without effect?

My prayers have been constantly offered to Heaven for your arrival; report has announced it; for which reason I have taken up the pen, and request you will not place implicit confidence in my accusers, but, weighing in the scale of justice their falsehoods and my representations, you will exert your influence in putting a period to the misfortunes, with which I am overwhelmed.

Copy

Copy of a Letter from Colonel Hannay to Jewar Ally Cawn and Bahar Ally Cawn.

I had the pleasure to receive your friendly letter, fraught with benevolence; and whatever favours you, my friends, have been pleased to confer respecting Mr. Gordon afforded me the greatest pleasure.

Placing a firm reliance on your friendship, I am in expectation, that the aforesaid gentleman, with his baggage, will arrive at Fyzabad in safety, that the same may oblige and afford satisfaction to me.

A letter from Mr. Gordon is enclosed to you—I am in expectation of its being enclosed in a cover to the Aumil of *Saunda*, to the end that the Aumil may forward it to the abovementioned gentleman, and procure his reply. Whenever the answer arrives let it be delivered to Hoolas Roy, who will forward it to me.

Always rejoice me by a few lines respecting your health (Continue to honour me with your correspondence).

Copy of a Letter from Colonel Hannay to Jewar and Bahar Ally Cawn.

Cawn Saib, my indulgent friends, remain under the protection of God.

Your friendly letter, fraught with kindness, accompanied by an honorary letter from the Begum Saib, of exalted dignity, and enclosing a letter from Mr. Gordon, sent through your Hircarahs, obliged and rejoiced me.

With respect to what you communicate regarding your not having received an answer to your friendly epistle, I became perfectly astonished, as a reply was written from Mohadree; it may be owing to the danger of the road, that it never arrived; not to the smallest neglect on my side (or of mine.)

I now send two letters to you; one by the Dawk people, and the second by one of my Hircarahs (who will present them to you), which you certainly will receive.

I am extremely well contented and pleased with the friendship you have shown.

You wrote me to remain perfectly easy concerning Mr. Gordon.—Verily, from the kindness of you, my indulgent friends, my heart is quite easy.—You also observed and mentioned, that as Mr. Gordon's

Gordon's coming with those attached to him (probably his Sepoys and others) might be attended with difficulty, if I approved, he should be invited alone to Fyzabad.—My friends, I place my expectation entirely upon your friendships, and leave it to you to adopt the manner, in which the said gentleman may arrive in security without molestation at Fyzabad; but at the same time, let the plan be so managed, that it may not come to the knowledge of any Zemindars; in this case, you are men of discernment. However, he is to come to Fyzabad; extend your assistance and endeavours.

It is probable, that the Begum Saib, of high dignity, has received authentick intelligence from the camp at Benares. Favour me with the contents or purport.

From Mr. Gordon's letter I understand, that Mirza Imaum Baksh, whom you dispatched thither (Saunda,) has and still continues to pay great attention to that gentleman, which affords me great pleasure.

An answer to the Begum's letter is to be presented. I also send a letter for Mr. Gordon, which please to forward.

An Address from Colonel Hannay to the Begum.

Begum Saib, of exalted dignity and generosity, &c. whom God preserve.

Your exalting letter, fraught with grace and benevolence, that through your unbounded generosity and goodness was sent through grace and favour, I had the honour to receive in a fortunate moment; and whatever you were pleased to write respecting Mr. Gordon, "that as at this time the "short-sighted and deluded Ryots had carried "their disturbances and ravages beyond all bounds, "Mr. Gordon's coming with his whole people "(or adherents) might be attended with difficulty; "and therefore, if I chose, he should be invited to "come alone." Now, as your Highness is the best judge, your faithful servant reposeth his most unbounded hopes and expectation upon your Highness, that the aforesaid Mr. Gordon may arrive at Fyzabad without any apprehension or danger. I shall be then extremely honoured and obliged.

Considering me in the light of a firm and faithful servant, continue to honour and exalt me by your letters.

What further can I say?

A Copy of an Address from Mr. Gordon to the Begum.

Begum Saib, of exalted dignity and generosity, whom God preserve.

After presenting the usual professions of servitude, &c. in the customary manner, my address is presented.

Your gracious letter, in answer to the petition of your servant from Goondah, exalted me. From the contents, I became unspeakably impressed with the honour it conferred. May the Almighty protect that royal purity, and bestow happiness, increase of wealth, and prosperity.

The welfare of your servant is entirely owing to your favour and benevolence. A few days have elapsed since I arrived at Goondah with the Colonel Saib.

This is presented for your Highness's information. I cherish hopes from your generosity, that, considering me in the light of one of your servants, you will always continue to exalt and honour me with your gracious letters.

May the sun of prosperity continually shine!

Copy of a Letter to Mahummed Jezar Ally Cawn and Bahar Ally Cawn, from Mr. Gordon.

Sirs, my indulgent friends,

Remain under, &c. &c.

After compliments. I have the pleasure to acquaint you, that yesterday, having taken leave of you, I passed the night at Noorgunge, and next morning about ten or eleven o'clock, through your favour and benevolence, arrived safe at Goondah; Mur Aboo Buksh, Zemindar, and Mur Rustum Ally, accompanied me.

To what extent can I prolong the praises of you, my beneficent friends? May the Supreme Being, for this benign, compassionate, humane action, have you in his keeping, and increase your prosperity, and speedily grant me the pleasure of an interview. Until which time continue to favour me with friendly letters, and oblige me by any commands in my power to execute.

May your wishes be ever crowned with success!

My compliments, &c. &c. &c.

Copy of a Letter from Colonel Hannay to Jewar Ally Cawn and Bahar Ally Cawn.

Cawn Saib, my indulgent friends,

Remain under the protection of the Supreme Being.

After compliments, and signifying my earnest desire of an interview, I addres you.

Your friendly letter, fraught with kindness, I had the pleasure to receive in a propitious hour, and your inexpressible kindness in sending for Mur Nassar Ally with a force to Saunda, for the purpose of conducting Mr. Gordon, with all his baggage, who is now arrived at Fyzabad.

This

This event has afforded me the most excessive pleasure and satisfaction. May the Omnipotence preserve you, my stedfast firm friends. The pen of friendship itself cannot sufficiently express your generosity and benevolence, and that of the Begum of high dignity, who so graciously has interested herself in this matter. Enclosed is an address for her, which please to forward. I hope from your friendship, until we meet, you will continue to honour me with an account of your health and welfare. What further can I write?

V. REVOLUTIONS IN FARRUCKABAD.

I.

THAT a prince called Ahmed Khân was of a family amongst the most distinguished in Hindostan, and of a nation famous through that empire for its valour in acquiring, and its policy and prudence in well governing, the territories it had acquired, called the Patans, or Afghans, of which the Rohillas were a branch. The said Ahmed Khân had fixed his residence in the city of Farruckabad, and in the first wars of this nation in India the said Ahmed Khân attached himself to the Company against Sujah Dowla, then an enemy,

enemy, now a dependent on that Company. Ahmed Khân, towards the close of his life, was dispossessed of a large part of his dominions by the prevalence of the Mahratta power; but his son, a minor, succeeded to his pretensions, and to the remainder of his dominions. The Mahrattas were expelled by Sujah ul Dowla, the late Vizier, who finding a want of the services of the son and successor of Ahmed Khân, called Mouzaffer Jung, did not only guaranty him in the possession of what he then actually held, but engaged to restore all the other territories, which had been occupied by the Mahrattas: and this was confirmed, by repeated treaties and solemn oaths, by the late Vizier and by the present; but neither the late nor the present Vizier fulfilled their engagements, or observed their oaths: the former having withheld what he had stipulated to restore, and the latter not only subjecting him to a tribute, instead of restoring him to what his father had unjustly withheld, but, having made a further invasion by depriving him of fifteen of his districts, levying the tribute of the whole on the little, that remained, and putting the small remains of his territory under a sequestrator or collector appointed by Almas Ali Khân, who did grievously afflict and oppress the prince and territory aforesaid.

That the hardships of his case being frequently represented to Warren Hastings, Esquire, he did

suggest a doubt, whether "that little ought to be "still subject to tribute," indicating, that the said tribute might be hard and inequitable; but whatever its justice might have been, that "from the "*earliest period* of our connexion with the present "Nabob of Oude, it had invariably continued a "part of the funds assigned by his Excellency as "a provision for the liquidation of the several "publick demands of *this Government* (Calcutta) "upon him; and in consequence of the powers "the Board deemed it expedient to vest in the "Resident at his court, for the collection of the "Company's assignments, a Sezauwil [a sequestrator] has always been stationed to enforce by "every means in his power the payment of the "tribute." And the said tribute was, in consequence of this arrangement, not paid to the Nabob, but to the British Resident at Oude; and the same being therefore under the direction, and for the sole use, of the Company, and indeed the prince himself wholly dependent, the representatives of the said Company were responsible for the protection of the prince, and for the good government of the country.

II.

That the said Warren Hastings did, on the 22d of May 1780, represent to the Board of Calcutta the condition of the said country in the following manner:

"To

" To the total want of all order, regularity, or " *authority* in his government (the Farruckabad " Government) among *other obvious causes*, it may, " no doubt, be owing, that the country of Farruck- " abad is become *an almost entire waste, without* " *cultivation, or inhabitants*; that the capital, which " but a very short time ago was distinguished as " one of the most *populous and opulent* commercial " cities in Hindostan, at present exhibits nothing " *but* scenes of the most wretched poverty, deso- " lation, and misery: and the Nabob himself, " though in possession of a tract of country, which, " with only common care, is notoriously capable " of yielding an annual revenue of between thirty " and forty lacks (three or four hundred thousand " pounds) with *no military establishment to main-* " *tain, scarcely commanding the means of bare sub-* " *sistence.*" And the said Warren Hastings, taking into consideration the said state of the country, and its prince, and that the latter had " *preferred* " *frequent complaints*" (which complaints the said " Hastings to that time did not lay before the " Board, as his duty required) " *of the hardships* " *and indignities*, to which he is subjected by the " conduct of the Sezauwil [sequestrator] stationed " in the country for the purpose of levying the " annual tribute, which he is bound by treaty to " pay to the Soubah of Oude;" he, the said Hastings, did declare himself " extremely desirous, " as well from motives *of common justice*, as *due*

" regard

" regard to the *rank, which that Chief holds among* " *the Princes of Hindostan*, of affording him relief." And he, the said Warren Hastings, as the means of the said relief, did, with the consent of the Board, order the said native sequestrator to be removed, and an English Resident, a servant of the Company, to be appointed in his room, declaring, " he " understood a local interference to be *indis-* " *pensably necessary* for realizing the Vizier's just " demands."

III.

That the said native sequestrator being withdrawn, and a Resident appointed, no complaint whatever concerning the collection of the revenue, or of any indignities offered to the prince of the country, or oppression of his subjects by the said Resident, was made to the superiour Council at Calcutta; yet the said Warren Hastings did, nevertheless, in a certain paper, purporting to be a treaty made at Chunar with the Nabob of Oude on the 19th of September 1781, at the request of the said Nabob, consent to an article therein, " that no English Resident be appointed to Far- " ruckabad, and that the present be recalled;" and the said Warren Hastings knowing, that the Nabob of Oude was ill affected towards the said Nabob of Farruckabad, and that he was already supposed to have oppressed him, did justify his

conduct on the principles, and in the words following; "that if the Nabob Mozaffer Jung *must* "endure oppression, *(and I dare not at this time* "*propose his total relief)* it concerns the reputation "of our Government to remove our *participation* "*in it.*" And the said Warren Hastings making, recording, and acting upon the first of the said false and inhuman suppositions, most scandalous to this nation, namely, that princes paying money wholly for the use of the Company, and directly to its agent, for the maintenance of British troops, by whose force and power the said revenue was in effect collected, must of necessity endure oppression, and that our Government at any time *dare* not propose their *total* relief, was an high offence and misdemeanor in the said Warren Hastings, and the rather, because in the said treaty, as well as before and after, the said Hastings, who pretended not to dare to relieve those oppressed by the Nabob of Oude, did assume a complete authority over the said Nabob himself, and did dare to oppress him.

IV.

That the second principle assumed by the said Warren Hastings, as a ground for voluntarily abandoning the protection of those, whom he had before undertaken to relieve, *on the sole strength of his own authority*, and in full confidence of the lawful foundation thereof, and for delivering over the

persons so taken into protection, under false names and pretended descriptions, to known oppression, asserting, that the reputation of the Company was saved by removing this apparent participation, when the new, as well as the old, arrangements were truly and substantially acts of the British Government, was disingenuous, deceitful, and used to cover unjustifiable designs, since the said Warren Hastings well knew, that all oppressions exercised by the Nabob of Oude were solely, and in this instance particularly, upheld by British force, and were imputed to this nation; and because he himself, in not more than three days after the execution of this treaty, and in virtue thereof, did direct the British Resident at Oude in orders, *to which he required his most implicit obedience,* "that the "ministers (the Nabob of Oude's ministers) are "to choose *all* Aumils and collectors of revenue "with your concurrence." And the dishonour to the Company in thus deceitfully concurring in oppression, which they were able and were bound to prevent, is much aggravated by the said Warren Hastings's receiving from the person, to whose oppression he had delivered the said prince, as a private gift or donation to himself, and for his own use, a sum of money, amounting to one hundred thousand pounds and upwards, which might give just ground of suspicion, that the said gift from the oppressor to the person surrendering the person

injured to his mercy might have had some share in the said criminal transaction.

V.

That the said Warren Hastings did (in the paper justifying the said surrender of the prince, put by himself under the protection of the East-India Company) assert, "that it was a fact, that the "Nabob Muzzattor Jung (the Nabob of Farruck-"abad) is equally urgent with the Nabob Vizier "for the removal of a Resident," without producing, as he ought to have done, any document to prove his improbable assertion, namely, his assertion, that the oppressed prince did apply to his known enemy and oppressor, the Nabob of Oude, (who, if he would, was not able to relieve him against the will of the English Government) rather than to that English Government, which he must have conceived to be more impartial, to which he had made his former complaint, and which was alone able to relieve him.

VI.

That the said Warren Hastings, in the said writing, did further convey an insinuation of an ambiguous, but, on any construction, of a suspicious and dangerous import; viz. "it is a fact, that Mr. "Shee's (the Resident's) authority over the terri-"tory of Farruckabad is in itself as much sub-

"versive

" versive of that *(of the lawful rulers)* as that of " the Vizier's Aumil (collector) ever was, and is " the more *oppressive*, as the power from whence " it is derived is greater." The said assertion proceeds upon a supposition of the illegality both of the Nabob's and the Company's Government; all consideration of the *title* to authority being therefore on that supposition put out of the question, and the whole turning only upon the *exercise* of authority, the said Hastings's suggestion, that the oppression of government must be in proportion to its power, is the result of a false and dangerous principle, and such as it is criminal for any person intrusted with the lives and fortunes of men to entertain, much more publickly to profess as a rule of action, as the same hath a direct tendency to make the new and powerful Government of this kingdom in India dreadful to the natives, and odious to the world. But if the said Warren Hastings did mean thereby indirectly to insinuate, that oppressions had been actually exercised under the British authority, he was bound to inquire into these oppressions, and to animadvert on the person guilty of the same, if proof thereof could be had; and the more, as the authority was given by *himself*, and the person exercising it was by himself also named. And the said Warren Hastings did on another occasion assert, that " whether they were " well or ill-founded he never had an opportunity

"to ascertain." But it is not true, that the said Hastings did or could want such opportunity; the fact being, that the said Warren Hastings did never cause any inquiry to be made into any supposed abuses, during the said Residency, but did give a pension of fifteen hundred pounds a year to the said late Resident, as a compensation to him for an injury received, and did afterwards promote the Resident, as a faithful servant of the Company, (and nothing appears to show him otherwise) to a judicial office of high trust; thereby taking away all credit from any grounds asserted or insinuated by the said Hastings for delivering the said Nabob of Farruckabad to the hand of a known enemy and oppressor, who had already, contrary to repeated treaties, deprived him of a large part of his territories.

VII.

That on the said Warren Hastings's representation of the transaction aforesaid to the Court of Directors, they did heavily and justly censure the said Warren Hastings for the same, and did convey their censure to him, recommending relief to the suffering prince, but without any order for sending a new Resident; being, as it may be supposed, prevented from taking that step by the faith of the treaty made at Chunar.

VIII. That

VIII.

That all the oppressions foreseen by him the said Warren Hastings, when he made the article aforesaid in the treaty of Chunar, did actually happen; for immediately on the removal of the British Resident, the country of Farruckabad was subjected to the discretion of a certain native manager of revenue, called Almas Ali Khân, who did impoverish and oppress the country, and insult the prince, and did deprive him of all subsistence from his own estates; taking from him even his gardens, and the tombs of his ancestors, and the funds for maintaining the same.

IX.

That on complaint of those proceedings the said Hastings did, of his own authority, and without communicating with his Council, direct the native collector aforesaid to be removed, and the territory of Farruckabad to be left to the sole management of its natural prince. But in a short time the said Hastings, pretending to receive many complaints purporting, that the tribute to the Nabob remained wholly unpaid, and the agent to the prince of Farruckabad at the Presidency, and afterwards chief manager to the prince aforesaid, having, as the said Warren Hastings saith, "had "the insolence to propagate a report, that the

" *interference*, to which his master owed the power " he then enjoyed, was *purchased* through him," he the said Hastings did again (but, as before, without the Council) " withdraw his protection and " interference altogether" on or about the month of August 1782, and did signify his resolution, through the Resident Middleton, to the Nabob Vizier. But the said Hastings asserts, that " the " consequence of this his own second dereliction " of the prince of Farruckabad was an *aggravated* " *renewal of the severities* exercised against his " government, and the re-appointment of a Seza- " wall, with powers delegated, or assumed, to the " *utter extinction* of the rights of Muzuffer Jung, " and actually depriving him of the means of sub- " sistence." And the said Hastings did receive, on the 16th of February 1783, from the prince aforesaid a bitter complaint of the same to the following tenour:

" The miseries, which have fallen upon my " country, and the poverty and distress, which " have been heaped upon me by the re-appoint- " ment of the Sezawall, are such, that a relation " of them would, I am convinced, excite the " strongest feelings of compassion in your breast " But it is impossible to relate them; on one side, " my country ruined, and uncultivated to a degree " of desolation, which exceeds all description; on " the other, my domestick concerns and connexions

" involved

" involved *in such a state of distress and horror,*
" *that even the relations, the children, and the wives*
" *of my father, are starving in want of daily bread,*
" *and are on the point of flying voluntary exiles*
" *from their country, and from each other.*"

But although the said Hastings did, on the 16th of February, receive and admit the justice of the said complaint, and did not deny the urgent necessity of redress, the said letter containing the following sentence, " if there should be *any delay* in " your acceptance of this proposal, *my existence* " *and the existence of my family will become difficult* " *and doubtful:*"—and although he did admit the interference to be the more urgently demanded, " as the services of the English troops have been " added to enforce the authority of the Sezawall," and although he admits also, that even before that time similar complaints and applications had been made, yet he did withhold the said letter of complaint, a Minute of which he asserts he had, at or about that time, prepared for the relief of the sufferer, from the Board of Council, and did not so much as propose any thing relative to the same for seven months after, viz. until the 6th of October 1783: the said letter and minute being, as he asserts, " *withheld* from causes not necessary to " *mention* from presentation." By which means the said country and prince did suffer a long continuance of unnecessary restraint, from which a

and

said Hastings confessed it was his duty to relieve them, and that a British Resident was necessary at Farruckabad "from a sense of submission to the "*implied* orders of the Court of Directors, in their "letter of 1783, lately received, added to the *con-* "*viction I have LONG SINCE* entertained *of* "*the necessity of such an appointment for the pre-* "*servation of our national credit*, and the means "of rescuing an ancient and respectable family "from ruin."

And the said Warren Hastings did at length perform what he thought had *long since* been necessary, and in contradiction to his engagements with the Nabob in the treaty of Chunar; and against his strong remonstrances, urging his humiliation from this measure, and the faith of the agreement, and against his own former declaration, that it concerned the reputation of our Government to remove our participation in the oppressions, which he, the said Hastings, supposed the prince of Farruckabad must undergo, did once more recommend to the Council a British Resident at Farruckabad, and the withdrawing the native Sezewall; no course being left to the said Hastings to take, which was not a violation of some engagement, and a contradiction to some principle of justice and policy by him deliberately advanced, and entered on record.

That Mr. Willes being appointed Resident, and having

having arrived at Farru
bruary 1784, with inst
into the state of the country
he, the said Resident Willes,
did fully explain to him, the C l C ral,
the said Warren Hastin , (he being then out of the Company's provinces, a Lucknow, on a delegation, which respected this very country as part of the dependencies of Oude) the situation of the province of Farruckabad; but the said Warren Hastings did not take or recommend any measure whatsoever for the relief thereof in consequence of the said representation; nor even communicate to the Council-General the said representation; and it was not until the 28th of June 1783, that is, sixteen months from the arrival of the Resident at his station, that any thing was laid before the Board relative to the regulation or relief of the distressed country aforesaid, and that, not from the said Warren Hastings, but from other Members of the Council; which purposed neglect of duty, joined to the preceding wilful delay of seven months in proposing the said relief originally, caused near two years' delay. And the said Warren Hastings is further culpable in not communicating to the Council Board the order, which he had of his own authority, and without any powers from them, given to the said Resident Willes, and did thereby prevent them from taking such steps as might counteract

the

the ill effects of the said order; which order purported, that the said Willes was not to interfere with the Nabob of Farruckabad's Government, for the regulation of which he was in effect appointed to the Residency; declaring as follows: "I rely "much on your moderation and good judgment, "which I hope will enable you to regulate your "conduct towards the Nabob and his *servants* in "such a manner, that *without interfering in the* "*executive part of his government* you may render "him essential service by *your council and advice.*" And this restriction the said Hastings did impose, which totally frustrated the purpose of the Resident's mission, though he well knew, and had frequently stated, the extreme imbecility and weakness of the said Nabob of Farruckabad, and his subjection to unworthy servants. And in the Minute of Consultation, upon which he founded the appointment, he did state the Nabob of Farruckabad "as "a weak and unexperienced young man, who had "abandoned himself entirely to the discretion of "his servants; and the restoration of his indepen- "dence was followed by a *total* breach of the "engagements he had promised to fulfil, attended "by pointed instances of contumacy and dis- "respect." And in the said Minute the said Hastings adds (as before mentioned) his principal servant and manager had propagated a report, that the "*interference,* (namely his the said Hastings's "interference)

" interference) to which his master owed the power " he then enjoyed, was purchased by him," the principal servant aforesaid; yet he, the said Hastings, who had assigned on record the character of the said Nabob, and the conduct of his servants, and the aforesaid report of his principal servant, so highly dishonourable to him the said Hastings, as reasons for taking away the independency of the Nabob of Farruckabad, and the subjecting him to the oppression of the Nabob of Oude's officer, Almar Ali, did again establish the pretended independence of the said prince of Farruckabad, and the real independence of his corrupt and perfidious servants, not against the Nabob of Oude, but against a British Resident appointed by himself (" as a character eminently qualified for such a " charge") for the correction of those evils, and for rendering the prince aforesaid an useful ally to the Company, and restoring his dominions to order and plenty.

That the said Hastings did not only disable the Resident at Farruckabad by his said prohibitory letter, but did render his very remaining at all in that station perfectly precarious by a subsequent letter, rendering him liable to dismission by the Vizier—thereby changing the tenure of the Resident's office, and changing him from a minister of the Company, dependent on the Governour-General in Council, to a dependent upon an unresponsible power;

power; in this also acting without the Council and by his own usurped authority; and accordingly the Resident did declare, in his letter of the 24th of April 1785, "that the situation of the country "was *more* distressful than when he (the prince "of Farruckabad) addressed himself for relief in "1783; and that he was sorry to say, that his ap- "pointment at Farruckabad was of no use." That though the old tribute could not be paid, owing to famine, and other causes, it was increased by a new imposition, making the whole equal the entire *gross* produce of the revenue; that therefore there will not be "*any thing for the subsistence of the Nabob* "*and family.*" And the uncles of the said Nabob of Farruckabad, the brethren of the late Ahmed Khân (who had rendered important services to the Company) and their children, in a petition to the Resident, represented, that soon after the succession of Mouzaffer Jung "their misery commenced "The Jaghires (lands and estates), on which they "subsisted, were disallowed. Our distress is great "we have neither clothes nor food. Though we "felt hurt at the idea of explaining our situation "yet, could we have found a mode of conveyance "we would have proceeded to Calcutta for redress "The scarcity of grain this season is an additional "misfortune. With difficulty we support life. "From your presence without the provinces "we expect relief. It is not the custom of the

"Company

" Company to deprive the Zemindars and Jaghire-
" dars of the means of subsistence. To your justice
" we look up."

This being the situation of the person and family of the Nabob of Farruckabad and his nearest relations, the state of the country and its capital, prevented from all relief by the said Warren Hastings, is described, in the following words, by the Resident Willes:

" Almas Ali has taken the Pergunnah of Marara
" at a very inadequate rent, and his Aumils have
" seized many adjacent villages; the Pergunnahs
" of Cocutmow and Souje are constantly plundered
" by his people. The collection of the Gauts near
" Futty Ghur has been seized by the Vizier's Cut-
" wal, and the Zemindars in four Pergunnahs are
" so refractory as to have forfeited themselves in
" their Gurries, and to refuse all payments of re-
" venue. This is the state of the Pergunnahs;
" *and Farruckabad, which was once the seat of*
" *great opulence and trade, is now daily deserted*
" *by its inhabitants; its walls mouldering away,*
" *without police, without protection; exposed to the*
" *depredations of a banditti of two or three hundred*
" *robbers, who, night after night, enter it for plun-*
" *der, murdering all, who oppose them. The ruin,*
" *that has overtaken this country, is not to be won-*
" *dered at, when it is considered, that there has been*

" *no*

" *no stable government for many years.* There has " been the Nabob Vizier's authority, his ministers, " the Residents at Lucknow, the Sezawalls, the " camp authority, the Nabob Muzuffer Jung's, " and that of twenty Dewans or advisers. No " authority sufficiently predominant to establish " any regulations for the benefit of the country, " whilst each authority has been exerted. as oppor- " tunity offered, for temporary purposes."

" Such being the present *deplorable* state of " Farruckabad and its districts, in the ensuing " year it will be in vain to look for revenue, if " some regulations equal to the exigency be not " adopted. The whole country will be divided " between the neighbouring powerful Aumils, the " refractory Zemindars, and banditti of robbers; " and the Patans, who might be made useful sub- " jects, will fly from the scene of anarchy. The " crisis appears now come, that either some plan " of government should be resolved on, so as to " form faithful susjects on the frontier, or the " country be given up to its fate; and if it be " abandoned, there can be little doubt but that " the Mahrattas will gladly seize on a station so " favourable to incursions into the Vizier's domi- " nions; will attach to their interests the Hindoo " Zemindars, and possess themselves of forts, " which, with little expense made formidable, would

"would give employment perhaps to the whole "of our force, should it be ever necessary to re- "cover them."

That the Council at Calcutta, on the representation aforesaid made by the Resident at Farruckabad, did propose and record a plan for the better government of the said country, but did delay the execution of the same, until the arrangements made by the said Hastings with the Nabob Vizier should be known; but the said Hastings, as far as in him lay, did entirely set aside any plan, that could be formed for that purpose upon the basis of a British Resident at Farruckabad, by engaging with the said Nabob Vizier, that no British influence shall be employed within his dominions, and he has engaged to that prince not to abandon him to any other mode of relation; and he has informed the Court of Directors, that the territories of the Nabob of Oude will be ruined, if Residents are sent into them, observing, that "Residents never will "be sent for any other purposes than those of "vengeance and corruption."

That the said Warren Hastings did declare to the Court of Directors, that in his opinion the mode of relief most effectual, and most lenient with regard to Farruckabad, would be to nominate one of the family of the prince to superintend his affairs, and to secure the payments; but this plan, which appears to be most connected with the rights

of the ruling family, whilst it provides against the imbecility of the natural lord, and is free from his objection to a Resident, is the only one, which the said Hastings never has executed, or even proposed to execute.

That the said Hastings, by the agreements aforesaid, has left the Company in such an alternative, that they can neither relieve the said prince of Farruckabad from oppression without a breach of the engagements entered into by him, the said Hastings, with the Nabob Vizier in the name of the Company, nor suffer him to remain under the said oppression without violating all faith, and all the rules of justice with regard to him. And the said Hastings hath directly made or authorized no less than six revolutions in less than five years in the aforesaid harassed province; by which frequent and rapid changes of government, all of them made in contradiction to all his own declared motives and reasons for the several acts successively done and undone in this transaction, the distresses of the country, and the disorders in its administration, have been highly aggravated; and in the said irregular proceedings, and in the gross and complicated violations of faith with all parties, the said Hastings is guilty of high crimes and misdemeanors.

VI. DESTRUCTION OF THE RAJAH OF SAHLONE.

I.

THAT the late Nabob of Oude, Suja Ul Dowla, did (on what reasons of policy, or pretences of justice, is unknown) dispossess a certain native person of distinction, or eminent Rajah, residing in the country of Sahlone, "the lineal "descendant of the most powerful Hindoo family "in that part of Hindostan," of his patrimonial estate; and conferred the same, or part of the same, on his (the Nabob's) mother, as a Jaghire [or estate] for the term of her life: and the mother of the Nabob, in order to quiet the country, and to satisfy, in some measure, the principal and other inhabitants, did allow and pay a certain pension to the said Rajah; which pension, on the general confiscation of Jaghires (made at the instigation of the said Warren Hastings), and by the letting the lands so confiscated to farmers at rack-rents, was discontinued, and refused to be paid; and the discontinuance of the said pension, "on account "of the personal respect born to the Rajah, (as "connexions with him are sought for, and thought "*to confer honour,*)" did cause an universal discontent, and violent commotions, in the district

of Sahlone, and other parts of the province of Oude, with great consequent effusion of blood, and interruption, if not total discontinuance, to the collection of the Revenues in those parts, other than as the same was irregularly, and with great damage to the country, enforced by British troops.

II.

That Mr. Lumsdaine, the officer employed to reduce those disordered parts of the province to submission, after several advantages gained over the Rajah and his adherents, and expelling him from the country, did represent the utter impossibility of bringing it to a permanent settlement "merely by forcible methods; as in any of his "(the Rajah's) incursions it would not be neces-"sary to bring even a force with him, as the "Zemindars [landed proprietors and freeholders] "are much attached to the Rajah, whom they "consider as their hereditary prince, and never "fail to assist him; and that his rebellion against "Government is not looked on as a crime:" and Mr. Lumsdaine declared it "as his clear opinion, "that the allowing the said Rajah a pension, "suitable to his rank and influence in the country, "would be the most certain mode of obtaining a "permanent peace;" alleging, among other cogent reasons, "that the expense of the force neces-"sary to be employed to subdue the country might "be

" be spared, and employed elsewhere; and that the " people would return to their villages with their " cattle and effects, and of course Government " have some security for the Revenue, whereas at " present they have none:" and the representation containing that prudent and temperate counsel, given by a military man of undoubted information, and perfect experience in the local circumstances of the country, was transmitted by the Resident Bristow to the said Warren Hastings, who did wilfully and criminally omit to order any relief to the said Rajah in conformity to the general sense and wishes of the inhabitants; a compliance with whose so reasonable an expectation his duty in restoring the tranquillity of the country, and in retrieving the honour of the English Government, did absolutely require. But, instead of making such provision, a price was set upon his head; and several bodies of British troops being employed to pursue him, after many skirmishes and much bloodshed, and mutual waste of the country, the said Rajah, honoured and respected by the natives, was hunted down, and at length killed in a thicket.

VII. CONTRACTS.

THAT the Court of Directors of the East-India Company had laid down the following fundamental rules for the conduct of such of the Company's business in Bengal as could be performed by Contract; and had repeatedly and strictly ordered the Governour and Council of Fort-William to observe those rules; viz. that all Contracts should be publickly advertised, and the most reasonable proposals accepted; that the Contracts of provisions, and for furnishing draught and carriage-bullocks for the army, should be *annual*; and that they should not fail to advertise for and receive proposals for those Contracts *every year.*

That the said Warren Hastings, in direct disobedience to the said positive orders, and, as the Directors themselves say, *by a most deliberate breach of his duty*, did, in September 1777, accept of proposals offered by Ernest Alexander Johnson for providing draught and carriage-bullocks, and for victualling the Europeans, without advertising for proposals, as he was expressly commanded to do, and extended the Contract for *three years*, which was positively ordered to be *annual*; and, notwithstanding that extension of the period, which ought

ought at least to have been compensated by some advantage to the Company in the conditions, did conclude the said Contract *upon terms less advantageous than the preceding Contract, and therefore not on the lowest terms procurable*:—that the said Warren Hastings, in defiance of the judgment and lawful orders of his superiours, which in this case left him no option, declared, that *he disapproved of publishing for proposals, and that the Contract was reduced too low already*: thereby avowing himself the advocate of the Contractor, against whom, as representative of the Company, and guardian of their interests, he properly was party, and preferring the advantage of the Contractor to those of his own constituents and employers:—that the Court of Directors of the East India Company, having carefully considered the circumstances and tendency of this transaction, condemned it in the strongest terms, declaring, that they would *not permit* the Contract to be continued, and that, "if "the Contractor should think himself aggrieved, "and take measures in consequence, by which the "Company became involved in loss or damage, "they should certainly hold the majority of the "Council responsible for such loss or damage, and "proceed against them accordingly."—That the said Warren Hastings, in defiance of orders, which, the Directors say, were *plain and unequivocal*, did, in January 1777, receive from George Templer a

proposal, essentially different from the advertisement published by the Governour-General and Council for receiving proposals for feeding the Company's elephants, and did accept thereof, not only without having recourse to the proper means for ascertaining whether the said proposal was the lowest, that would be offered, but with another actually before the Board, nearly 30 per cent. lower than that made by the said George Templer, to whom the said Warren Hastings granted a Contract, in the terms proposed by the said Templer, for three years, and did afterwards extend the same to five years, with new and distinct conditions accepted by the said Warren Hastings, without advertising for fresh proposals, by which the Company were very considerable losers:—on all which the Court of Directors declared, "that this "waste of their property could not be permitted: "that he, the said Warren Hastings, had dis- "regarded their authority, and disobeyed their "orders, in not taking the lowest offers;" and they ordered, that the Contract for elephants should be annulled; and the said Directors further declared, that "if the Contractor should recover damages of "the Company for breach of engagement, they "were determined, in such case, to institute a suit "at law against those members of the Board, who "had presumed, in direct breach of their orders, "to prefer the interest of an individual to that of

"the

" the Company."—That the said Warren Hastings did in the year 1777 conclude with - - - - - - - - - Forde a Contract for an armed vessel for the pilotage of the Chittigong river, and for the defence of the coast and river against the incursions of robbers, for the term of five years, in further disobedience of the Company's orders respecting the mode and duration of Contracts, and with a considerable increase of expense to the Company: —that the farming out the defence of a country to a Contractor, being wholly unprecedented, and evidently absurd, could have no real object but to enrich the Contractor at the Company's expense; since either the service was not dangerous, and then the establishment was totally unnecessary, or, if it was a dangerous service, it was evidently the interest of the Contractor to avoid such danger, and not to hazard the loss of his ship or men, which must be replaced at his own expense; and therefore that an active and faithful discharge of the Contractor's duty was incompatible with his interest.

That the said Warren Hastings, in further defiance of the Company's orders, and in breach of the established rule of their service, did, in the year 1777, conclude a Contract with the master and deputy master-attendant of the Company's marine, or pilot-service, for supplying the said marine with naval stores, and executing the said service

service for the term of two years, and without advertising for proposals; that the use and expenditure of such stores, and the direction of the pilot vessels, are under the management, and at the disposition of the master-attendant by virtue of his office; that he is officially the proper and regular check upon the person, who furnishes the stores, and bound by his duty to take care, that all contracts for furnishing such stores are duly and faithfully executed:—that the said Warren Hastings, by uniting the supply and the check in the same hands, did not only disobey the Company's specifick orders, and violate the fundamental rules and practice of the service, but did overset the only just and rational principle, on which this, and every other service of a similar nature, ought to be conducted; and did not only subject the Company's interest, in point of expense, to fraud and collusion, but did thereby expose the navigation of the Bengal river to manifest hazard and distress; considering, that it is the duty of the master-attendant to take care, that the pilot-vessels are constantly stationed in the roads to await the arrival of the Company's ships, especially in tempestuous weather, and that they should be in a constant condition to keep the sea; whereas it is manifestly the interest of the contractor, in the first instance, to equip the said vessels as scantily as possible, and afterwards to expose them as little as possible to

any

any service, in which the stores to be replaced by him might be lost or consumed; and finally, that in June 1779 the said Contract was prolonged to the said master-attendant by the said Warren Hastings for the further period of two years from the expiration of the first, without advertising for proposals.—That it does not appear, that any of the preceding contracts have been annulled, or the charges attending any of them abated, or that the Court of Directors have ever taken any measures to compel the said Warren Hastings to indemnify the Company, or to make good any part of the preceding loss incurred by the Contracts.

That in the year 1777 the said Warren Hastings did recommend and appoint John Belli, at that time his private secretary, to be agent for supplying the garrison of Fort-William with victualling stores; that the stores were to be purchased with money advanced by the Company; and that the said agent was to be allowed a commission, or percentage for his risk and trouble: that, in order to ascertain what sum would be a reasonable compensation for the agent, the Governour-General and Council agreed to consult some of the principal merchants of Calcutta: that the merchants, so consulted, reported their opinion, that 20 per cent. on the prime cost of the stores would be a reasonable compensation to the agent: that nevertheless the said Warren Hastings, supported by the

the vote and concurrence of Richard Barwell, then a member of the Supreme Council, did propose and carry it, that 30 per cent. per annum should be allowed upon all stores to be provided by the agent: that the said Warren Hastings professed, that "he preferred an agency to a contract for "this service, because if it were performed by "contract, it must then be advertised, and the "world would know what provision was made for "the defence of the Fort;" as if its being publickly known, that the fort was well provided for defence, were likely to encourage an enemy to attack it.—That in August 1779, in defiance of the principle laid down by himself for preferring an agency to a contract, the said Warren Hastings did propose, and carry it, that the agency should be *converted into a contract*, to be granted to the said John Belli, without advertising for proposals, and fixed for the term of five years, "pretending, "that he had received frequent remonstrances "from the said agent concerning the heavy losses "and inconveniences, to which he was *subjected* "by the indefinite terms of his agency;" notwithstanding it appeared by evidence produced at the Board, that, on a supply of about £. 37,000, he had already drawn a commission of £. 22,000 and upwards.—That the said Warren Hastings pledged himself, that, *if required by the Court of Directors, the profits arising from the agency should*

should be paid into the Company's treasury, and appropriated as the Court should direct.—That the Court of Directors, as soon as they were advised of the first appointment of the said agency, declared, that they considered the commission of 20 per cent. as an ample compensation to the agent; and did positively order, that, according to the engagement of the said Warren Hastings, "the "commission, paid or to be paid to the said agent, "should be reduced to £. 20 per cent."—That the said John Belli did positively refuse to refund any part of the profits he had received, or to submit to a diminution of those, which he was still to receive; and that the said Warren Hastings has never made good his own voluntary and solemn engagement to the Court of Directors herein above mentioned: and as his failure to perform the said engagement is a breach of faith to the Company, so his performance of such engagement, if he had performed it, and even his offering to pledge himself for the agent, in the first instance, ought to be taken as presumptive evidence of a connexion between the said Warren Hastings and the said agent, his private secretary; which ought not to exist between a Governour acting in behalf of the Company, and a contractor making terms with such Governour for the execution of a publick service.

That, before the expiration of the contract hereinbefore

[illegible]

[illegible] and on the sa[illegible]

that [illegible] salaries a[illegible]

[illegible] any's char[illegible]

[illegible] the s[illegible]

Warr[illegible]

at the Board, that the increase on the Victualling Contract would, in five years, amount to £. 40,000; and that the increase on the Bullock-contract, in the same period, would amount to above four hundred thousand pounds: that when this, and many other weighty objections against the terms of the said contracts were urged in Council to the said Warren Hastings, he declared, that *he should deliver a reply thereto*; but it does not appear, that he did ever deliver such reply, or ever enter into a justification of any part of his conduct in this transaction. That the Act of Parliament of 1773, by which the first Governour-General and Council were appointed, did expressly limit the duration of their office to the term of five years, which expired in October 1779, and that the several contracts, hereinbefore mentioned, were granted in September 1779, and were made to continue *five* years after the expiration of the government, by which they were granted; that by this anticipation the discretion and judgment of the succeeding government, respecting the subject-matter of such contracts, was taken away, and any correction or improvement therein rendered impracticable.—That the said Warren Hastings might have been justified by the rules and practice, or by the necessity, of the publick service in binding the Government by engagements to endure one year after the expiration of his own office;

office; but on no principles could he be justified in extending such engagements beyond the term of one year, much less on the principles he has avowed, namely, "that it was only an act of com-" mon justice in him to secure *every man connected* " *with him*, as far as he legally could, from the " apprehension of future oppression." That the oppression, to which such apprehension, if real, must allude, could only consist in, and arise out of, the obedience, which he feared a future government might pay to the orders of the Court of Directors, by making all contracts *annual*, and advertising for proposals publickly and indifferently from all persons whatever, by which it might happen, that such beneficial contracts would not be constantly held by men *connected with him*, the said Warren Hastings:—that this declaration, made by the said Warren Hastings, combined with all the circumstances of these transactions, leaves no room to doubt, that in disobeying the Company's orders, and betraying the trust reposed in him as guardian of the Company's property, his object was to purchase the attachment of a number of individuals, and to form a party capable of supporting and protecting him in return.

That with the same view, and on the same principles, it appears, that excessive salaries and emoluments, at the East-India Company's charge and expense, have been lavished by the said Warren

Warren Hastings to sundry individuals, contrary to the general principles of his duty, and in direct contradiction to the positive orders of the Court of Directors; particularly, that whereas by a resolution of the Court of Proprietors of the East-India Company, and by an instruction of the Court of Directors, it was provided, and expressly ordered, that there should be paid to the late Sir John Clavering "the sum of six thousand pounds "sterling per annum in full for his services as "commander-in-chief, in lieu of travelling charges, "and of all other advantages and emoluments "whatever:" and whereas the Court of Directors positively ordered, that the late "Sir Eyre Coote "should receive the *same* pay as commander-in-"chief of their forces in India, as was received by "Lieutenant General Sir John Clavering;"—the said Warren Hastings, nevertheless, within a very short time after Sir Eyre Coote's arrival in Bengal, did propose and carry it in Council, that a new establishment should be created for Sir Eyre Coote, by which an increase of expense would be incurred by the India Company to the amount of eighteen thousand pounds a year and upwards, exclusive of and in addition to his salary of ten thousand pounds a year, provided for him by Act of Parliament as a member of the Supreme Council, and exclusive of and in addition to his salary of six thousand pounds a year as commander-in-chief,

appointed for him by the Company, and expressly fixed to that amount.

That the disobedience and breach of trust, of which the said Warren Hastings was guilty in this transaction, is highly aggravated by the following circumstances connected with it: that from the death of Sir John Clavering to the arrival of Sir Eyre Coote in Bengal the provisional command of the army had devolved to, and been vested in, Brigadier-General Giles Stibbert, the eldest officer on that establishment: that in this capacity, and, as the said Warren Hastings has declared, "standing no way distinguished from the other officers in the army, but by his accidental succession to the first place on the list," he, the said Giles Stibbert, had, by the recommendation and procurement of the said Warren Hastings, received and enjoyed a salary, and other allowances, to the amount of thirteen thousand eight hundred and fifty-four pounds twelve shillings per annum.—That Sir Eyre Coote, soon after his arrival, represented to the Board, that a considerable part of those allowances, amounting to £. 8,220. 10*s.* per annum, ought to devolve to himself, as commander-in-chief of the Company's forces in India; and stating, that the said Giles Stibbert could no longer be considered as commander-in-chief under the Presidency of Fort-William, made a formal demand of the same.—That the said Warren Hastings, instead of reducing the allowances of

the said Giles Stibbert to the establishment, at which they stood during General Clavering's command, and for the continuance of which, after Sir Eyre Coote's arrival, there could be no pretence, continued the allowances of thirteen thousand eight hundred and fifty-four pounds twelve shillings per annum to the said Giles Stibbert; and, at the same time, in order to appease and satisfy the demand of the said Sir Eyre Coote, did create for him that new establishment, hereinbefore specified, of eighteen thousand pounds per annum; insomuch, that instead of the allowance of *six thousand pounds a year, in lieu of travelling charges, and of all emoluments and allowances whatsoever*, to which the pay and allowances of commander-in-chief were expressly limited by the united Act of the Legislative and Executive Powers of the Company, the annual charge to be born by the Company on that account was increased by the said Warren Hastings to the enormous sum of thirty-eight thousand two hundred and seventeen pounds ten shillings sterling.

" That on the 1st of November 1779 the said " Warren Hastings did move, and carry it in " Council, that the Resident at the Vizier's court " should be furnished with an account of all the " extra allowances and charges of the commander- " in-chief when in the field, with orders to add the " same to the debit of the Vizier's account, as a part " of his general subsidy; the charge to commence

" from the day, on which the general shall pass " the Carumnassa, and to continue till his return " to the same line."—That this additional expense, imposed by the said Warren Hastings on the Vizier, was unjust in itself, and a breach of treaty with that prince, the specifick amount of the subsidy to be paid by him having been fixed by a treaty, to which no addition could justly be made, but at the previous requisition of the Vizier. —That the Court of Directors, in their letter of the 18th of October 1780, did condemn and prohibit the continuation of the allowances abovementioned to Sir Eyre Coote in the following words: " these allowances appear to us in a light " so very extraordinary, and so repugnant to the " spirit of a resolution of the General Court of " Proprietors respecting the allowance made to " General Clavering, that we positively direct, " that they be discontinued immediately, and no " part thereof paid after the receipt of this letter." —That on the 27th of April 1781 the Governour-General and Council, in obedience to the orders of the Directors, did signify the same to the Commissary-General, as an instruction to him, that the extraordinary allowances to Sir Eyre Coote *should be discontinued, and no part thereof paid after that day*; that it appears, nevertheless, that the said extra allowances (amounting to above twenty thousand pounds sterling a year) were continued to be charged to the Vizier, and paid to

Sir

Sir Eyre Coote, in defiance of the orders of the Court of Directors; in defiance of the consequent resolution of the Governour-General and Council; and in contradiction to the terms of the original motion, made by the said Warren Hastings, for adding those allowances to the debit of the Vizier, viz. "that they should continue till Sir Eyre Coote's return to the Carumnassa."—That Sir Eyre Coote arrived at Calcutta about the end of August 1780, and must have crossed the Carumnassa, in his return from Oude, some weeks before, when the charge on the Vizier, if at any time proper, ought to have ceased.—That it appears, that the said allowances were continued to be charged against the Vizier, and paid to Sir Eyre Coote, for three years after, even while he was serving in the Carnatic, and that this was done by the sole authority and private command of the said Warren Hastings.

That the East-India Company having thought proper to create the office of Advocate-General in Bengal, and to appoint Sir John Day to that office, it was resolved by a General Court of Proprietors, that a salary of £. 3,000 a year should be allowed to the said Sir John Day *in full consideration of all demands and allowances whatsoever for his services to the Company at the Presidency of Fort William*:—that the said Warren Hastings, nevertheless, shortly after Sir John Day's arrival in

Bengal, did increase the said Sir John Day's salary and allowances to six thousand pounds a year, in direct disobedience to the resolution of the Court of Proprietors, and of the order of the Court of Directors:—that the Directors, as soon as they were informed of this proceeding, declared, "that "they held *themselves* bound by the resolution of "the General Court, and that they could not "allow it to be disregarded by the Company's "servants in India;" and ordered, that the increased allowances should be forthwith discontinued.

That the said Warren Hastings, after having first thought it necessary, in obedience to the orders of the Court of Directors, to stop the extraordinary allowance, which he had granted to Sir John Day, did afterwards resolve, that the allowance, which had been struck off, should be *repaid* to him upon his signing an obligation to refund the amount, which he might receive, in case the Directors should confirm their former orders, already twice given:—that in this transaction the said Warren Hastings trifled with the authority of the Company, eluded the repeated orders of the Directors, and exposed the Company to the risk and uncertainty of recovering, at a distant period, and perhaps by a process of law, a sum of money, which they had positively ordered him not to pay.

That, in the latter part of 1776, by the death of Colonel Monson, the whole power of the government

government of Fort William devolved to the Governour and one member of the Council; and that from that time the Governour-General and Council have generally consisted of an even number of persons, in consequence of which the casting voice of the said Warren Hastings has usually prevailed in the decision of all questions.—That about the end of the year 1776 the whole civil establishment of the said government did not exceed £. 205,399 per annum; that in the year 1783 the said civil establishment had been increased to the enormous annual sum of £. 927,945.—That such increase in the civil establishment could not have taken place, if the said Warren Hastings, who was at the head of the government with the power annexed to the casting voice, had not actively promoted the said increase, which he had power to prevent, and which it was his duty to have prevented:—that by such immoderate waste of the property of his employers, and by such scandalous breach of his fidelity to them, it was the intention of the said Warren Hastings to gain and secure the attachment and support of a multitude of individuals, by whose united interest, influence, and intrigues, he hoped to be protected against any future inquiry into his conduct:—that it was of itself highly criminal in the said Warren Hastings to have so wasted the property of the East-India Company, and that the purpose to be obtained by such waste

was a great aggravation of that crime.—That among the various instances of profusion, by which the civil establishment of Fort-William was increased to the enormous annual sum herein before mentioned, it appears, that a Salt-Office was created of six Commissioners, whose annual emoluments were as follow: *viz.*

President, or Comptroller, per annum	£. 18,480
1st Member - - - - -	13,100
2d D° - - - - -	11,480
3d D° - - - - -	13,183
4th D° - - - - -	6,257
5th D° - - - - -	10,307
	£. 72,807

That a Board of Revenue was created by the said Warren Hastings, consisting of five Commissioners, whose annual emoluments were as follow: *viz.*

1st Member, per annum - -	£. 10,950
2d D° - - - - -	9,100
3d D° - - - - -	9,100
4th D° - - - - -	9,100
5th D° - - - - -	9,100
	£. 47,350

That David Anderson, Esq. first member of the said

said Board, did not execute the duties, though he received the emoluments, of the said office; having acted, for the greatest part of the time, as ambassador to Madajee Scindia, with a further salary of £. 4,280 a year, making in all £. 15,230 a year.

That the said Warren Hastings did create an office of Agent Victualler to the garrison of Fort-William, whose profits, on an average of three years, were £. 15,970 per annum:—that this agency was held by the Postmaster-General, who, in that capacity, received £. 2,200 a year from the Company, and who was actually no higher than a writer in the service:—that the person, who held these lucrative offices, viz. John Belli, was private secretary to the said Warren Hastings.

That the said Warren Hastings created a nominal office of Resident at Goa, where the Company never had a Resident, nor business of any kind to transact, and gave the said nominal office to a person, who was not a covenanted servant of the Company, with an allowance of £. 4,280 a year.

That these instances are proofs of a criminal profusion, and high breach of trust to the India Company in the said Warren Hastings, under whose government, and by means of whose special power, derived from the effect of his casting voice, all the said waste and profusion did take place.

That at the end of the year 1780, when, as the Court of Directors affirm, *the Company were in the utmost*

utmost distress for money, and almost every department in arrear, and when it appears, that there was a great scarcity and urgent want of grain at Fort-St.-George, the said Warren Hastings did accept of a proposal made to him by James Peter Auriol, then secretary to the Council, to supply the Presidency of Fort-St.-George with rice and other articles, and did appoint the said Auriol to be the agent for supplying *all the other* Presidencies with those articles:—that the said Warren Hastings declared, that the intention of the appointment "was most likely to be fulfilled by a liberal "consideration of it," and therefore allowed the said Auriol a commission of 15 per cent. on the whole of his disbursements; thereby rendering it the direct interest of the said Auriol to make his disbursements as great as possible;—that the chance of capture by the enemy, or danger of the sea, was to be at the risk of the India Company, and not of the said Auriol:—that the said Warren Hastings declared personally to the said Auriol, "that this post was intended as a reward for his "long and faithful services."—That the President and Council of Bombay did remonstrate against what they called *the enormous amount of the charges* of the rice, with which they were supplied, which they state to be nine rupees a bag at Calcutta, when they themselves could have contracted for its delivery at Bombay, free of all risk and charges,

charges, at five rupees and three-sixteenths per bag; and that even at Madras, where the distress and demand was greatest, the supplies of grain by private traders, charged to the Company, were nineteen per cent. cheaper than that supplied by the said Auriol, exclusive of the risk of the sea, and of capture by the enemy.—That it is stated by the Court of Directors, that the agent's commission on a supply of *a single year* (the said commission being not only charged on the prime cost of the rice, but also on the freight, and on all other charges) would amount to pounds sterling twenty-six thousand eight hundred and seventy-three, and by the said Auriol himself is admitted to amount to £. 18,292:—that William Larkins, the Accomptant-General at Fort-William, having been ordered to examine the accounts of the said agent, did report to the Governour-General and Council, that he found them to be *correct in the additions and calculations*; and that then the said Larkins adds the following declaration: "the agent *being* "*upon honour* with respect to the sums charged "in his accounts for the cost of the articles sup-"plied, I did not think myself authorized to re-"quire *any voucher* of the sums charged for the "demurrage of sloops, either as to the time of "detention, or the rate of the charge, or of those "for the articles lost in going down the river; and

"on

" on that ground I thought myself equally bound " to admit the sums acknowledged as received for " the sales of goods returned, without requiring " vouchers of the rates, at which they were sold." —That, in this transaction, the said Warren Hastings has been guilty of a high breach of trust and duty in the unnecessary expenditure of the Company's money, and in subjecting the Company to a profusion of expense, at all times wholly unjustifiable, but particularly at the time when that expense was incurred.—That the said Warren Hastings was guilty of breach of orders, as well as breach of trust, in not advertising generally for proposals; in not *contracting* indifferently for the supplies with such merchants as might offer to furnish them on the lowest terms; in giving an enormous commission to an agent, and that commission not confined to the prime cost of the articles, but to be computed on the whole of his charges; in accepting of the *honour* of the said agent as a sufficient voucher for the cost of the articles supplied, and for all charges whatever, on which his commission was to be computed; and finally, in giving a lucrative agency for the supply of a distressed and starving province, as a reward to a Secretary of State, whose labours in that capacity ought to have been rewarded by an avowed publick salary, and not otherwise.—That,

after

after the first year of the said agency was expired, the said Warren Hastings did agree, that for the future the commission to be drawn by the said agent should be reduced to five per cent. which the Governour-General and Council then declared to be *the customary amount drawn by merchants*; but that, even in this reduction of the commission, the said Warren Hastings was guilty of a deception, and did not in fact reduce the Commission from 15 to 5 per cent. having immediately after resolved, that he, the agent, should be allowed the current interests of Calcutta upon all his draughts on the treasury from the day of their dates, until they should be completely liquidated: that the legal interest of money in Bengal is twelve per cent. per annum, and the current interest from eight to ten per cent.

VIII. PRESENTS.

THAT, before the appointment of the Governour-General and Council of Fort-William by Act of Parliament, the allowances made by the East-India Company to the Presidents of that government were abundantly sufficient; and that the said Presidents in general, and the said Warren Hastings particularly was restrained by a specifick covenant

covenant and indenture, which he entered into with the Company, from accepting any gifts, rewards, or gratuities whatsoever, on any account or pretence whatsoever.—That, in the regulating Act passed in the year 1773, which appointed the said Warren Hastings, Esquire, Governour-General of Fort-William in Bengal, a salary of £. 25,000 a year was established for him, to which the Court of Directors added, "that he should enjoy their "principal houses, with the plate and furniture, "both in town and country, *rent-free.*" That the same law, which created the office, and provided the salary, of the said Warren Hastings, did expressly, and in the clearest and most comprehensive terms, that could be devised, prohibit him from receiving any present, gift, or donation, in any manner, or on any account whatsoever; and that the said Warren Hastings perfectly understood the meaning, and acknowledged the binding force of this prohibition, before he accepted of the office, to which it was annexed. He knew, and had declared, that *the prohibition was positive and decisive; that it admitted neither of refinement or misconstruction; and that in his opinion an opposition would be to incur the penalty.*

That, notwithstanding the covenants and engagements above mentioned, it appears in the recorded proceedings of the Governour-General and Council of Fort-William, that sundry charges have been brought

brought against the said Warren Hastings for gifts or presents corruptly taken by him before the promulgation of the Act of 1773 in India, and that these charges were produced at the Council Board in the presence of the said Warren Hastings: that, in March 1775, the late Rajah Nundcomar, a native Hindoo, of the highest cast in his religion, and of the highest rank in society by the offices, which he had held under the Country Government, did lay before the Council an account of various sums of money paid by him to the said Warren Hastings, amounting to £. 40,000 and upwards, for offices and employments corruptly disposed of by the said Warren Hastings, and did offer and engage to prove and establish the same by sufficient evidence.—— That this account is stated with a minute particularity and precision; the date of each payment down to that of small sums is specified; the various coins, in which such payments were severally made, are distinguished; and the different persons, through whose hands the money passed into those of the said Warren Hastings, are named;—that such particularity on the face of such a charge, supposing it false, is favourable to the party wrongfully accused, and exposes the accuser to an instant and easy detection; for though, as the said Warren Hastings himself has observed on another occasion, " papers may be forged, and evidences may appear " in numbers to attest them, yet it must always " be

" be an *easy* matter to detect the falsity of any " forged paper produced by examining the wit- " nesses separately, and subjecting them to a sub- " sequent cross examination, in which case, if false, " they will not be able to persevere in one regular " consistent story."

Whereas, if no advantage be taken of such particularity in the charge to detect the falsehood thereof, and if no attempt to disprove it, and no defence whatever be made, a presumption justly and reasonably arises in favour of the truth of such charge.—That the said Warren Hastings, instead of offering any thing in his defence, declared, that *he would not suffer Nundcomar to appear before the Board as his accuser.*—That he attempted to indict his said accuser for a conspiracy, in which he failed; and that the said Rajah Nundcomar was soon after, and while his charge against the said Warren Hastings was depending before the Council, indicted upon an English penal statute, which does not extend even to Scotland, before the Supreme Court of Judicature for an offence said to have been committed several years before, and not capital by the laws of India, and was condemned and executed.——That the evidence of this man, not having been encountered at the time, when it might and ought to have been, by the said Warren Hastings, remains justly in force against him, and is not abated by the capital punishment of the said Nundcomar,

Nundcomar, but rather confirmed by the time and circumstances, in which the accuser of the said Warren Hastings suffered death.—That one of the offices, for which a part of the money above mentioned is stated to have been paid to the said Warren Hastings, was given by him to Munny Begum, the widow of the late Myr Jaffier, Nabob of Bengal, whose son, by another woman, holds that title at present.—That the said Warren Hastings had been instructed by the Court of Directors of the East-India Company to appoint "*a minister* to transact "the political affairs of the Government, and to "select for that purpose some person well qualified "for the affairs of Government, to be the minister "and guardian of the Nabob's minority."—That, for these offices, and for the execution of the several duties belonging to them, the said Warren Hastings selected and appointed the said Munny Begum, a woman evidently unqualified for, and incapable of, such offices, and restrained from acting in such capacities by her necessary seclusion from the world, and retirement in a seraglio.—That a considerable deficiency or embezzlement appearing in this woman's account of the young Nabob's stipend, she voluntarily declared, by a writing under her seal, that she had given £. 15,000 to the said Warren Hastings for an entertainment; which declaration corresponds with and confirms that part of the charge produced by Rajah Nundcomar, to

which it relates.—That neither this, nor any other part of the said charge, has been at any time directly denied or disputed by the said Warren Hastings, though made to his face, and though he was repeatedly accused by his colleagues, who were appointed by Parliament at the same time with himself, of peculation of every sort.—That instead of promoting a strict inquiry into his conduct for the clearance of his innocence and honour, he did repeatedly endeavour to elude and stifle all inquiry by attempting to dissolve the meetings of the Council, at which such charges were produced, and by other means; and has not since taken any steps to disprove or refute the same.—That the said Warren Hastings, so long ago as September 1775, assured the Court of Directors, "that it was his fixed "determination most fully and liberally to explain "every circumstance of his conduct on the points, "on which he had been injuriously arraigned, and "to afford them the clearest conviction of his own "integrity, and of the propriety of his motives for "declining a present defence of it;" and having never since given to the Court of Directors any explanation whatever, much less the full and liberal explanation he had promised so repeatedly, has thereby abandoned even that late and protracted defence, which he himself must have thought necessary to be made at some time or other; and which he would be thought to have deferred to a period

more minute and circumstantial than that, in which the facts were stated, and the impression of those and other charges of the same nature against him was fresh and unimpaired in the minds of men.

That on the 30th of March 1775, a member of the Council produced and laid before the Board a petition from Mir Zein Abul Dheen, (formerly farmer of a district, and who had been in creditable stations) setting forth, that Khân Jehan Khân, then Phousdar of Houghly, had obtained that office from the said Warren Hastings, with a salary of seventy-two thousand Sicca rupees a year; and that the said *Phousdar had given a receipt of bribe to the patron of the city*, meaning Warren Hastings, to pay him annually thirty-six thousand rupees a year, and also to his Banyan, Cantoo Baboo, four thousand rupees a year, out of the salary above mentioned. That by the 35th article of the Instructions given to the Governour-General and Council, they are directed "immediately to cause the strictest inquiry to be "made into all oppressions, which might have "been committed either against the Natives or "Europeans, and into all abuses, that might have "prevailed in the collection of the Revenues, or "any part of the civil Government of the Presi-"dency, and to communicate to the Directors all "information, which they might be able to obtain "relative thereto, or to any dissipation or embez-"zlement of the Company's money."—That the

above petition and instruction having been read in Council, it was moved, that the petitioner should be ordered to attend the next day to make good his charge.—That the said Warren Hastings declared, " that it appeared to him to be the purpose " of the majority to make him the sole object of " their personal attacks.—That they had taken " their line, and might pursue it.—That he should " have other remarks to make upon this transac- " tion, but as they would be equally applicable *to* " *many others*, which in the course of this business " were likely to be brought before the Board, he " should say no more on the subject;"—and he objected to the motion.—That by the preceding declaration the said Warren Hastings did admit, that many other charges were likely to be brought against him, and that such charges would be of a similar nature to the first, viz. a corrupt bargaining for the disposal of a great office, since he declared, that his remarks on that transaction would be equally applicable to the rest; and that, by objecting to the motion for the personal attendance of the accuser, he resisted and disobeyed the Company's instructions; and did, as far as depended on his power, endeavour to obstruct and prevent all inquiry into the charge. That in so doing he failed in his duty to the Company; he disobeyed their express orders, and did leave the charge against himself without a reply, and even without a denial;

and

and with that unavoidable presumption against his innocence, which lies against every person accused, who not only refuses to plead, but, as far as his vote goes, endeavours to prevent an examination of the charge, and to stifle all inquiry into the truth of it.—That the motion having been nevertheless carried, the said Warren Hastings did, on the day following, declare, "that he could not sit to "be confronted with such accusers, nor suffer a "judicial inquiry into his conduct at the Board, of "which he was President; and declared the meet-"ing of the Board dissolved."—That the Board continued to sit and examine witnesses, servants of the Phousdar, on oath and written evidence, being letters under the hand and seal of the Phousdar, all directly tending to prove the charge; viz. that out of the salary of seventy-two thousand rupees a year paid by the Company, the said Phousdar received but thirty-two thousand, and that the remainder was received by the said Warren Hastings and his Banyan.—That the Phousdar, though repeatedly ordered to attend the Board, did, under various pretences, decline attending, until the 19th of May, when the letters stated to be his, that is, under his hand and seal, being shown to him, it was proposed by a member of the Board, that he should be asked, whether he had any objection to swear to the truth of such answers as he might make to the questions proposed by the Board.—That the said

Warren Hastings objected to his being put to his oath.—That the question was nevertheless put to him, in consequence of a resolution of the Board.—That he first declined to swear under pretence, *that it was a matter of serious consequence to his character to take an oath*; and, when it was finally left to his option, he declared, "mean people might "swear, but that his character would not allow "him; that he could not swear, and had rather "subject himself to a loss."—That the evidence in support of the charge being on oath was in this manner left uncontradicted; that it was admitted by the said Warren Hastings, that neither Mussulmen or Hindoos are forbidden by the precepts of their religion to swear. That it is not true, as the said Warren Hastings asserted, that it was repugnant to the *manners* either of Hindoos or Mussulmen; and that if, under such pretences, the natives were to be exempted from taking an oath, when examined by the Governour and Council, all the inquiries pointed out to them by the Company's instructions might stop, or be defeated.—That no valid reason was, or could be, assigned, why the said Phousdar should not be examined on oath; that the charge was not against himself; and that, if any questions had been put to him, tending to make him accuse himself, he might have declined to answer them.—That, if he could have safely sworn to the innocence of the said Warren Hastings,

from

from whom he received his employment, he was bound in gratitude, as well as justice to the said Warren Hastings to have consented to be examined on oath.—That not having done so, and having been supported and abetted in his refusal by the said Warren Hastings himself, whose character and honour were immediately at stake, the whole of the evidence for the truth of the charge remains unanswered, and in full force against the said Warren Hastings, who on this occasion recurred to the declaration he had before made to the Directors, viz. "that he would most fully and libe-" rally explain every circumstance of his conduct," but has never since that time given the Directors any explanation whatsoever of his said conduct. —And finally, that when the Court of Directors, in January 1776, referred the question (concerning the legality of the power assumed, and repeatedly exercised by the said Warren Hastings, of dissolving the Council at his pleasure) to the late Charles Sayer, then standing Council of the East-India Company, the said Charles Sayer declared his opinion in favour of the power, but condemning the use and exercise of it in the cases stated, did declare his opinion in the following words: "I be-" lieve Mr. Warren Hastings is the first Governor " ever, that ever dissolved a Council requiring only " his attendance, when he was absent. [illegible] he could summon these Councils, and dissolve them,

he had time fully to consider what would be the result of such conduct, *to convince every body beyond a doubt of his conscious guilt.*

That by a resolution of a majority of the Council, constituting a lawful act of the Governour-General and Council, the said Khân Jehan Khân was dismissed from the office of Phousdar of Houghly for a contempt of the authority of the Board.—That, within a few weeks after the death of the late Colonel Monson, the number of the Council being then even, and all questions being then determined by the Governour-General's casting voice, the said Warren Hastings did move, and carry it in Council, that the said Khân Jehan Khân should be restored to his office; and that restoration, not having been preceded, accompanied, or followed, by any explanation or defence whatsoever, or even by a denial of the specifick and circumstantial charge of collusion with the said Khân Jehan Khân, has confirmed the truth of the said charge.

That, besides the sums charged to have been paid to the said Warren Hastings by the said Nundcomar, and Munny Begum, and Khân Jehan Khân, and besides the sum of £. 110,000, already mentioned to have been accepted without hesitation by him, as a present on the part of the Nabob of Oude and that of his ministers, the circumstances of which have been particularly reported to the House

House of Commons, it appears by the confession of the said Warren Hastings, that he has, at different times since the promulgation of the Act of 1773, received various other sums, contrary to the express prohibition of the said Act, and his own declared sense of the evident intent and obligation thereof.—That in the month of June 1780 the said Warren Hastings made to the Council, what he called, "a very unusual tender, by offering to "exonerate the Company from the expense of a "particular measure, and to *take it upon himself*"; "declaring, that he had already deposited two lacks "of rupees (or twenty-three thousand pounds) in "the hands of the Company's sub-treasurer for "that service." That in a subsequent letter, dated the 29th of November 1780, he informed the Court of Directors, that "this money, by whatever means "it came into their possession, *was not his own*;" but he did not then, nor has he at any time since made known to the Court of Directors from whom, or on what account, he received that money, as it was his duty to have done in the first instance; and notwithstanding the said Directors signified to him their expectation, that he should communicate to them "immediate information of the channel, by "which this money came into his possession, with "a complete illustration of the cause or causes of "so extraordinary an event;"—But, from evidence examined in England it has been discovered, that this

this money was received by the said Warren Hastings from Cheyt Sing, the Rajah of Benares, who was soon after dispossessed of all his property, and driven from his country and government by the said Warren Hastings.

That notwithstanding the declaration made by the said Warren Hastings, that he had actually deposited the sum above mentioned in the hands of the Company's sub-treasurer for their service, it does not appear, that "any entry whatsoever of "that, or any other payment by the Governour-"General, was made in the treasury accounts at "or about the time;" nor is there any trace in the Company's books of its being actually paid into their treasury.

It appears then by the confession of the said Warren Hastings, that this money was received by him; but it does not appear, that he has converted it to the property and use of the Company.

That in a letter from the said Warren Hastings to the said Court of Directors, dated the 22d of May 1782, but not dispatched as it might and ought to have been at that time, but detained and kept back by the said Warren Hastings till the 16th of December following, he has confessed the receipt of various other sums, amounting (with that, which he accepted from the Nabob of Oude) to nearly £. 200,000, which sums he affirmed had been converted to the Company's property through his means,

means, but without discovering from whom, or on what account, he received the same.—That, instead of converting this money to the Company's property as he affirmed he had done, it appears, that he had lent the greater part of it to the Company upon bonds bearing interest, which bonds were demanded and received by him, and for aught, that yet appears, have never been given up or cancelled.—That for another considerable part of the above-mentioned sum he has taken credit to himself, as for a deposit of his own property, and therefore demandable by him out of the Company's treasury at his discretion. That all sums so lent or deposited are not alienated from the person, who lends or deposits the same; consequently, that the declaration made by the said Warren Hastings, that he had converted the whole of these sums to the Company's property, was not true; nor would such a transfer, if it had really been made, have justified the said Warren Hastings in originally receiving the money; which, being in the first instance contrary to law, could not be rendered legal by any subsequent disposition or application thereof; much less would it have justified the said Warren Hastings in delaying to make a discovery of these transactions to the Court of Directors, until he had heard of the inquiries then begun, and proceeding in Parliament; in finally making a discovery, such as it is, in terms the most intricate, obscure, and contradictory.

That,

That, instead of that full and clear explanation of his conduct, which the Court of Directors demanded, and which the said Warren Hastings was bound to give them, he has contented himself with telling the said Directors, that, "if this matter was to be "exposed to the view of the Publick, his reasons "for acting as he had done might furnish a variety "of conjectures, to which it would be of little use "to reply. That he either chose to conceal the "first receipts from publick curiosity by receiving "bonds for the amount, or possibly acted without "any studied design, which his memory could at "that distance of time verify; and that he *could* "have concealed them from their eye and that of "the Publick for ever." That the discovery, as far as it goes, establishes the guilt of the said Warren Hastings in taking money against law, but does not warrant a conclusion, that he has discovered *all*, that he may have taken. That, on the contrary, such discovery not being made in proper time, and when made, being imperfect, perplexed, and wholly unsatisfactory, leads to a just and reasonable presumption, that other facts of the same nature have been concealed, since those, which he has confessed, might have been for ever; and that this partial confession was either extorted from the said Warren Hastings by the dread of detection, or made with a view of removing suspicion,

pleasure, and preventing any further inquiry into his conduct.

That the said Warren Hastings, in a letter to the Court of Directors, dated 21st of February 1784, has confessed his having *privately* received another sum of money, the amount of which he has not declared, but which, from the application he says he has made of it, could not be less than thirty-four thousand pounds sterling.—That he has not informed the Directors from whom he received this money, at what time, nor on what account; but, on the contrary, has attempted to justify the receipt of it, which was illegal, by the application of it, which was unauthorized and unwarrantable, and which, if admitted as a reason for receiving money *privately*, would constitute a precedent of the most dangerous nature to the Company's service.—That in attempting to justify the receipt and application of the said money, he has endeavoured to establish principles of conduct in a Governour, which tend to subvert all order and regularity in the conduct of publick business; to encourage and facilitate fraud and corruption in all offices of pecuniary trust; and to defeat all inquiry into the misconduct of any person, in whom pecuniary trust is reposed.—That the said Warren Hastings, in his letter above mentioned, has made a declaration to the Court of Directors in the following terms:—

"Having

" Having had occasion to disburse from my own " cash many sums, which though required to en- " able me to execute the duties of my station, I " have hitherto omitted to enter in my publick " accounts, and my own fortune being unequal to " so heavy a charge, I have resolved to reimburse " myself in a mode the most suitable to the situa- " tion of your affairs by charging the same in my " Durbar accounts of the present year, and credit- " ing them by a sum *privately received*, and ap- " propriated to your service in the same manner " with other sums received on account of the Ho- " nourable Company, and already carried to their " account."—That, at the time of writing this letter, the said Warren Hastings had been in possession of the Government of Fort-William about twelve years, with a clear salary, or avowed emoluments, at no time less than twenty-five thousand pounds sterling a year, exclusive of which all the principal expenses of his residence were paid for by the Company.—That if the services mentioned by him were required to enable him to execute the duties of his station, he ought not to have omitted to enter them in his publick accounts at the times when the expenses were incurred. That if it was true, as he affirms, that when he first engaged in these expenses he had no intention to carry them to the account of the Company, there was no subsequent change in his situation, which could justify his departing

departing from that intention.—That if his own fortune in the year 1784 was unequal to so heavy a charge, the state of his fortune at any earlier period must have been still more unequal to so heavy a charge.—That the fact so asserted by the said Warren Hastings leads directly to an inference palpably false and absurd, viz. that the longer a Governour-General holds that lucrative office the poorer he must become.—That neither would the assertion, if it were true, nor the inference, if it were admitted, justify the conduct avowed by the said Warren Hastings, in resolving to reimburse himself out of the Company's property without their consent or knowledge.—That the account transmitted in this letter is styled by himself *an aggregate of a contingent account of twelve years.*—That all contingent accounts should be submitted to those, who ought to have an official control over them, at annual or other shorter periods, in order that the expense already incurred may be checked and examined, and similar expenses, if disapproved of, may be prohibited in time; that, after a very long period is elapsed, all check and control over such expenses is impracticable; and, if it were practicable in the present instance, would be completely useless, since the said Warren Hastings, without waiting for the consent of the Directors, did *resolve to reimburse himself.*—That the conduct of the said Warren Hastings, in withholding these accounts

accounts for twelve years together, and then resolving to reimburse himself without the consent of his employers, has been fraudulent in the first instance, and in the second amounts to a denial and mockery of the authority placed over him by law; and that he has thereby set a dangerous example to his successours, and to every man in trust or office under him.—That the mode, in which he has reimbursed himself, is a crime of a much higher order, and greatly aggravates whatever was already criminal in the other parts of this transaction. That the said Warren Hastings in declaring, that he should reimburse himself by crediting the Company by *a sum privately received*, has acknowledged himself guilty of an illegal act in receiving money *privately*.—That he has suppressed or withheld every particular, which could throw any light on a conduct so suspicious in a Governour, as the *private* receipt of money.—That the general confession of the private receipt of a large sum in gross, in which no circumstance of time, place, occasion, or person, nor even the amount, is specified, tends to cover or protect any act of the same nature (as far as a general confession can protect such acts), which may be detected hereafter, and which in fact may not make part of the gross sum so confessed, and that it tends to perplex and defeat all inquiry into such practices.—That the said Warren Hastings in stating to the Directors, that

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he has resolved to reimburse himself in *a mode the most suitable to the situation of their affairs*, viz. by receiving money privately against law, has stated a presumption highly injurious to the integrity of the said Directors; viz. that they will not object to, or even inquire into any extraordinary expenses, incurred and charged by their Governours in India, provided such expenses are reimbursed by money privately and illegally received.—That he has not explained what that situation of their affairs was, or could be, to which so dangerous and corrupt a principle was or might be applied.—That no evidence has been produced to prove, that it was true, nor any ground of argument stated to show, that it might be credible, that any native of India had voluntarily and gratuitously given money privately to the said Warren Hastings, that is, without some prospect of a benefit in return, or some dread of his resentment, if he refused.—That it is not a thing to be believed, that any native would give large sums privately to a Governour, which he refused to give or lend publickly to Government, unless it were to derive some adequate secret advantage from the favour, or to avoid some mischief from the enmity, of such Governour. That the late confessions made by the said Warren Hastings of money received against law are no proof, that he did not originally intend to appropriate the same to his own use, such confessions having been made

at a suspicious moment, when, and not before, he was apprized of the inquiries commenced in the House of Commons, and when a dread of the consequence of those inquiries might act upon his mind; that such confessions from the obscure, intricate, and contradictory manner, in which they are made, imply guilt in the said Warren Hastings, as far as they go; that they do not furnish any colour of reason to conclude, that he has confessed all the money, which he may have corruptly received; but that, on the contrary, they warrant a just and reasonable presumption, that in discovering some part of the bribes he had received he hoped to lull suspicion, and thereby conceal and secure the rest.

That the Court of Directors, when the former accounts of these transactions came before them, did show an evident disposition not to censure the said Warren Hastings, but to give the most favourable construction to his conduct; that nevertheless they found themselves obliged " to confess, that " the statement of those transactions appeared to " them in many parts *so unintelligible*, that they " felt themselves under the necessity of calling on " the Governour-General for an explanation, agree- " ably to his promise voluntarily made to them."

That their letter, containing this requisition, was received in Bengal in the month of August 1784, and that the said Warren Hastings did not embark

for England until the 2d of February 1785, but made no reply to that letter before his departure, owing, as he has since said, *to a variety of other more important occupations.*—That, under pretence of such occupations, he neglected to transmit to the Court of Directors a copy of a paper, which, he says, contained the *only* account he ever kept of the transaction. That such a paper, or a copy of it, might have been transmitted without interrupting other important occupations, if any could be more important than that of giving a clear and satisfactory answer to the requisition of the Directors. That, since his arrival in England, he has written a letter to the Chairman of that Court, professedly in answer to their letter above mentioned, but in fact giving no explanation or satisfaction whatsoever on the points, which they had declared to be unintelligible. That the terms of his letter are ambiguous and obscure, such as a guilty man might have recourse to in order to cover his guilt, but such as no innocent man, from whom nothing was required but to clear his innocence by giving plain answers to plain questions, could possibly have made use of. That in his letter of the 11th of July 1785 he says, " that he " has been kindly apprized, that the information " required as above *was yet expected from him:* " that the submission, which his respect would " have enjoined him to pay to the command im-

See his Letter of the 11th July 1785, at the end of the Charges.

" posed on him, *was lost to his recollection*, per-
" haps, from the stronger impression, which the
" first and distant perusal of it had left on his
" mind, that it was rather intended as a repre-
" hension for something, which had given offence
" in his report of the original transaction, than as
" expressive of any want of a further elucidation
" of it."

That the said Warren Hastings, in affecting to doubt whether the information expressly required of him by his employers was expected or not, has endeavoured to justify a criminal delay and evasion in giving it.—That, considering the importance of the subject, and the recent date of the command, it is not possible, *that it could be lost to his recollection*; much less is it possible, that he could have understood the specifick demand of an answer to specifick questions to be intended only as a reprehension for a former offence; viz. the offence of withholding from the Directors that very explanation, which he ought to have given in the first instance.—That the said Warren Hastings, in his answer to the said questions, cautiously avoids affirming or denying any thing in clear positive terms, and professes to recollect nothing with absolute certainty.—That he has not, even now, informed the Directors of the name of any one person, from whom any part of the money in question was received, nor what was the motive of

any

any one person for giving the same.—That he has indeed declared, that his motive for lending to the Company, or depositing in their treasury in his own name, money, which he has, in other places, declared to be their property, was to avoid ostentation; and that *lending* the money was *the least liable to reflection*; yet, when he has stated these and other conjectural motives for his own conduct, he delares *he will not affirm, though he is firmly persuaded, that those were his sentiments on the occasion.* That of one thing only the said Warren Hastings declares he is *certain*; viz. "That it was "his design originally to have *concealed* the re-"ceipt of all sums, except the second, even from "the knowledge of the Court of Directors; but "that when fortune threw a sum in his way of a "magnitude, *which could not be concealed*, and the "peculiar delicacy of his situation at the time, in "which he had received it, made him *more* cir-"cumspect of appearances, he *chose* to apprize "his employers of it."—That the said Warren Hastings informs the Directors, that he had endorsed the bonds taken by him for money belonging to the Company, and lent by him to the Company, *in order to guard against their becoming a claim on the Company, as part of his estate in the event of his death*; but he has not affirmed, nor does it any where appear, that he has surrendered the said bonds, as he ought to have done. That

the said Warren Hastings in affirming, that he had not time to answer the questions put to him by the Directors, while he was in Bengal—in not bringing with him to England the documents necessary to enable him to answer those questions, or in pretending, that he has not brought them—in referring the Directors back again to Bengal for those documents, and for any further information on a subject, on which he has given them no information, and particularly in referring them back to a person in Bengal for a paper, which he says contained the *only* account he ever kept of the transaction, while he himself professes to doubt whether that paper *be still in being*, whether *it be in the hands* of that person, or whether that person *can recollect any thing distinctly concerning it*—has been guilty of gross evasions, and of palpable prevarication and deceit, as well as of contumacy and disobedience to the lawful orders of the Court of Directors; and thereby confirmed all the former evidence of his having constantly used the influence of his station for the most scandalous, illegal, and corrupt purposes.

IX. RESIGNATION OF THE OFFICE OF GOVERNOUR-GENERAL.

THAT Warren Hastings having by his agent Lauchlin Macleane, Esquire, on the 10th day of October, in the year 1776, "signified to the Court "of Directors his desire to resign his office of "Governour-General of Bengal, and requested "their nomination of a successor to the vacancy, "which would be thereby occasioned in the "Supreme Council," the Court of Directors did thereupon desire the said Lauchlin Macleane "to "inform them of the authority, under which he "acted in a point of such very great importance;" and the said Lauchlin Macleane "signifying there-"upon his readiness to give the Court every pos-"sible satisfaction on that subject, but the powers, "with which he was intrusted by the papers in "his custody, being mixed with other matters of "a nature extremely confidential, he would submit "the same to the inspection of any three of the "members of the Court," the said Court of Directors empowered the chairman, deputy chairman, and Richard Becher, Esquire, to inspect the authorities, powers, and directions, with which Mr. Macleane was furnished by Mr. Hastings, to make

the propositions contained in his letter of the 10th October 1776, and to report their opinion thereon. And the said Committee did accordingly, on the 23d of the said month, report, "that, having conferred with Mr. Macleane on the subject of his "letter presented to the Court the 11th instant, "they found, that, from the purport of Mr. Hastings's instructions, contained in a paper in his "own hand-writing given to Mr. Macleane, and "produced by him to them, Mr. Hastings declared "he would not continue in the government of "Bengal, unless certain conditions, therein specified, could be obtained, of which they saw no "probability; and Mr. George Vansittart had "declared to them, that he was present when "these instructions were given to Mr. Macleane, "and when Mr. Hastings empowered Mr. Macleane to declare his resignation to the said "Court; that Mr. Stewart had likewise confirmed "to them, that Mr. Hastings declared to him, that "he had given directions to the above purpose by "Mr. Macleane."

And the Court of Directors, having received from the said report due satisfaction respecting the authority vested in the said Lauchlin Macleane to propose the said resignation of the office of Governour-General of Bengal, did unanimously resolve to accept the same; and did also, under powers vested in the said Court by the Act of the 13th

year

year of His present Majesty, " nominate and ap-
" point Edward Wheler, Esquire, to succeed to
" the office in the Council of Fort-William in
" Bengal, which will become vacant by the said
" resignation, if such nomination shall be approved
" by His Majesty:" which nomination and appointment was afterwards, in due form, approved and confirmed by His Majesty.

That the Court of Directors did, by a postscript to their general letter, dated 25th October 1776, acquaint the Governour-General and Council at Calcutta of their acceptance of the said resignation, of their appointment of Edward Wheler, Esquire, to fill the said vacancy, and of His Majesty's approbation of the said appointment, together with the grounds of their said proceedings: and did transmit to the said Governour-General and Council copies of the said instruments of appointment and confirmation.

That the said dispatches from the Court of Directors were received at Calcutta, and were read in Council on the 19th day of June, in the year 1777; and that Warren Hastings, Esquire, having taken no steps to yield the government to his successour, General Clavering, and having observed a profound silence on the subject of the said dispatches, he, the said General Clavering, did, on the next day, being the 20th of June, by a letter addressed to the said Warren Hastings, require

him

him to surrender the keys of Fort-William and of the Company's treasuries; but the said Warren Hastings did positively refuse to comply with the said requisition, "denying, that his office was "vacated, and declaring his resolution to assert "and maintain his authority by every legal means."

That the said General Clavering, conceiving, that the office of Governour-General was vacated by the arrival of the said dispatches, which acquainted the Council-General of the resignation of the said Warren Hastings, and the appointment of the said Edward Wheler, Esquire, and that he, the said General Clavering, had in consequence thereof legally succeeded under the provisions of the Act of the 13th year of His present Majesty's reign to the said office of Governour-General, become vacant in the manner aforesaid, did, in virtue thereof, issue in his own name summonses to Richard Barwell, Esquire, and Philip Francis, Esquire, members of the Council, to attend the same; and in the presence of the said Philip Francis, Esquire, who obeyed the said summons, did take the oaths as Governour-General, and did sit and preside in Council as Governour-General, and prepared several Acts and Resolutions in the said capacity of Governour-General; and did, amongst other things, prepare a proclamation to be made of his said succession to the government, and of its commencing from the date of the said proclamation;

proclamation; but did not carry any of the Acts or Resolutions so prepared into execution.

The said Warren Hastings did, notwithstanding thereof, and in pursuance of his resolution to assert nd maintain his authority, illegally and unjustifibly summon the Council to meet in another dearment, and did sit and preside therein, apart om the said General Clavering and his Council; nd in conjunction with Richard Barwell, Esquire, ho concurred therein, issued sundry orders, and id sundry Acts of government belonging to the ffice of Governour-General; and, amongst others, id order several letters to be written in the name f the Governour-General and Council, and did ubscribe the same, to the commandant of the arrison of Fort-William, and to the commanding fficer at Barrackpore, and to the commanding fficers at the other stations, and also to the proincial councils and collectors in the provinces, njoining them severally " to obey no orders, ex- cepting such as should be signed by the said ' Warren Hastings, or a majority of his Council."

That the said Warren Hastings did by the said roceedings, which were contrary both to law and o good faith, constitute a double Government, hereby destroying and annihilating all government whatever; and, by his said orders to the military fficers, did prepare for open resistance by arms, xposing thereby the settlement, and all the inhabitants,

inhabitants, subjects of or dependent on the British Government, whether native or European, not only to political distractions, but to the horrours of civil war; and did, by exposing the divisions and weakness of the Supreme Government, and thereby loosening the obedience of the provinces, shake the whole foundation of British authority, and imminently endanger the existence of the British nation in India.

That the said evils were averted only by the moderation of the said General Clavering, and Philip Francis, Esq. in consenting to a reference, and submitting to the decision of the Judges of the Supreme Court of Judicature, although they entertained no doubts themselves on the legality of their proceedings, and the validity of General Clavering's instant right to the Chair; and although they were not in any way bound by law to consult the said Judges, who had no legal or judicial authority therein in virtue of their offices, or as a court of justice, but were consulted, and interposed their advice, only as individuals, by the voluntary reference of the parties in the said dispute. And the said Warren Hastings by his declaration, entered in Minutes of Council, "that it was his "determination to abide by the "opinion of the "Judges," and by the measures he had previously taken as aforesaid to enforce the same by arms, did risk all the dangerous consequences above mentioned;

mentioned; which must have taken place, if the said General Clavering and Philip Francis, Esq. had not been more tender of the publick interests, and less tenacious of their own rights, and had persisted in their claim, as they were by law entitled to do, the extra-judicial interposition of the Judges notwithstanding; and from which claim they receded only from their desire to preserve the peace of the Settlement, and to prevent the mischiefs, which the illegal resistance of the said Warren Hastings would otherwise infallibly have occasioned.

That after the said Judges had delivered their opinion, "that the place and office of Governour-"General of this Presidency had not yet been "vacated by Warren Hastings, and that the actual "assumption of the Government by the *member* "of the Council next in succession to Mr. Hast-"ings, in consequence of any deduction, *which* "could be made from the papers *communicated* "to them, would be absolutely illegal;" and after the said General Clavering and Philip Francis, Esq. had signified to the said Warren Hastings, *by a* letter dated the 21st of June, "their intention to ac-"quiesce in the opinion of the Judges," and when the differences in the Supreme Council were by these means composed, and the calamities consequent thereon were avoided, the said Warren Hastings and Richard Barwell, Esq. did once more endanger the publick peace and security by other

illegal, unwarrantable, and unprovoked acts of violence; having omitted to summon either the said General Clavering, or the said Philip Francis, Esq. to Council; and having, in a Council held thus privately and clandestinely, and contrary to law, on the 22d day of June, come to the following resolutions, viz.

" Resolved, that by the said Acts, Orders, and Declarations of Lieutenant-General John Clavering, recited in the foregoing papers [meaning the proceedings of General Clavering in his separate Council on the 20th of June] he has actually usurped and assumed, and taken possession of the place and office of Governour-General of the Presidency of Fort-William in Bengal, granted by the Act of the 13th of His present Majesty to Warren Hastings, Esq.

" Resolved, that Lieutenant-General John Clavering has thereby relinquished, resigned, surrendered, and vacated the office of senior counsellor of Fort-William in Bengal.

" Resolved, that Lieutenant-General John Clavering has thereby relinquished, resigned, surrendered, and vacated his place of commander-in-chief of the Company's forces in India.

" Resolved, that Richard Barwell, Esq. by virtue of the said Act of Parliament, and by the death of the honourable George Monson, Esq. is promoted to the office of senior counsellor of the Presidency

of

of Fort William in Bengal
said relinquishment, re
vocation of General Cl

"Resolved, that the of commander-in-chief of the Company's forces in India, by the relinquishment, resignati ender, and vacation of General Clavering, by the death of the honourable George Mon . Esq. does no longer exist.

"Resolved, that, for the preservation of the regality of our proceedings, Lieutenant-General John Clavering be not in future summoned or admitted as a member of the Governour-General and Council."

And the said Warren Hastings and Richard Barwell, Esq. did again sit in Council on the next day, being the 23d of June, without summoning either General Clavering, or Philip Francis, Esquire; and did come to several other resolutions, and make several orders, contrary to law or justice, and inconsistent with the tranquillity and the security of the Settlement; that is to say, they ordered their secretary "to notify to General Clavering, 'that the Board had declared his offices of senior 'counsellor and commander-in-chief to be vacant; 'and to furnish him with a copy of these pro-'ceedings, containing the grounds of the Board 'for the aforesaid declaration."

And they ordered extracts of the said proceedings

ings " to be issued in general orders, with letters " to all the provincial councils and military stations, " directing them to publish the same in general " orders:" and they resolved, " that all military " returns be made to the Governour-General and " Council in their military department, until a " commander-in-chief shall be appointed by the " Company."

That on the day following, that is to say, on the 24th of June, the said Warren Hastings did again omit to summon General Clavering to Council, and did again, together with Richard Barwell, Esquire, who concurred therein, adhere to and confirm the said illegal resolutions come to on the two former days, declaring, " that they could " not be retracted but by the present authority of " the law, or by future orders from home;" and aggravating the guilt of the said unjustifiable acts by declaring, as the said Warren Hastings did, " that they were not the precipitate effects of an " instant and passionate impulse, but the fruits of " long and most temperate deliberations, of in- " evitable necessity, of the strictest sense of publick " duty, and of a conviction equal in its impression " on his mind to absolute certainty."

That the said Warren Hastings was the less excusable in this obstinate adherence to his former unjust proceedings, as the said declarations were made in answer to a motion made by Philip Francis,

Francis, Esquire, for the reversal of the said proceedings, and to a Minute introducing the said motion; in which Mr. Francis set forth in a clear and forcible manner, and in terms, with which the Court of Directors have since declared their entire concurrence, both the extreme danger, and the illegality and invalidity of the said proceedings of Warren Hastings and Richard Barwell, Esq. concluding the said Minute by the following conciliatory declaration: "and, that this salutary motion "may not be impeded by any idea or suspicion, "that General Clavering may do any act inconsistent with the acquiescence, which both he and "I have avowed in the decision of the Judges, I "will undertake to answer for him in this respect; "or that, if he should depart from the true spirit "and meaning of that acquiescence, I will not be "a party with him in such proceedings."

That the said Warren Hastings could not plead ignorance of the law in excuse for the said illegal acts, as it appears from the proceedings of the four preceding days, that he was well acquainted with the tenure, by which the members of the Council held their offices under the Act of the 13th of His present Majesty, and had stated the same as a ground for retaining his own office, contrary to an express declaration of the Court of Directors, and an instrument under the sign-manual of His Majesty; and the Judges of the Supreme Court, in

3 Geo. 3. c. 63. § 10.

their reasons for their decision in his favour, had stated the provisions in the said Act, so far as they related to the matter in dispute; from which it appeared, that there were but four grounds, on which the office of any member of the Council could be vacated; namely, death, removal, resignation, or promotion. And as the Act confined the power of removal to "His Majesty, his heirs "and successors, upon representation made by "the Court of Directors of the said United Com-"pany for the time being;" and conferred no such power on the Governour-General, or a majority of the Council, to remove on any ground, or for any cause whatever, one of their colleagues; so, granting the claim of General Clavering to the Chair, and his Acts done in furtherance thereof, to have been illegal, and criminal in whatever degree, yet it did not furnish to the rest of the Council any ground to remove him from his office of counsellor under the provisions of the said Act; and there could therefore remain only his *resignation* or *promotion*, as a possible means of vacating his said office. But with regard to the promotion of General Clavering to the office of Governour-General, although he claimed it himself, yet, as Mr. Hastings did not admit it, and as in fact it was even receded from by General Clavering, it could not be considered, at least by Mr. Hastings, as a valid ground for vacating his office of senior

counsellor, since the Act requires for that purpose not a rejected claim, but an actual and effectual promotion; and General Clavering's office of counsellor could no more be vacated by such a naked claim, unsupported and disallowed, than the seat of a member of the House of Commons could be vacated, and a new writ issued to supply the vacancy, by his claim to the office of Steward of the Chiltern Hundreds, when His Majesty has refused to appoint him to the said office. And with regard to resignation, although the said Warren Hastings, as a colour to his illegal resolutions, had affectedly introduced the word "resigned" amongst those of "relinquished, surrendered, and "vacated," yet he well knew, that General Clavering had made no offer, nor declaration, of his resignation of his offices of senior counsellor and commander-in-chief; and that he did not claim the office of Governour-General on the ground of any such resignation made by h[illegible], but on the ground of a resignation made by t[illegible] W[illegible]en Hastings, which resignation the [illegible] W[illegible] [illegible] did not admit; and the use o[illegible] [illegible], on that occasion, was therefore [illegible] mis-construction and misapp[illegible] of the Act of His present Maje[illegible] such misi[illegible]-tation and false extensio[illegible] term of [illegible] was the more indecent in [illegible] said Warren [illegible], as he was at the same moment [illegible]

refusing to give effect to his own clear and express resignation, according to the true intent and meaning of the word as used in the said Act, made by his agent, duly authorized and instructed by himself so to do, to an authority competent to receive and accept the same.

That although the said Warren Hastings did afterwards recede from the said illegal measures in compliance with the opinion and advice of the Judges again interposed, and did thereby avoid the guilt of such further acts, and the blame of such further evils, as must have been consequent on a persistence therein, yet he was, nevertheless, still guilty of the illegal acts above described; and the same are great crimes and misdemeanors.

That, although the Judges did decide, that the office of Governour-General, held by the said Warren Hastings, was not *ipso facto* and *instanter* vacated by the arrival of the said dispatches and documents, transmitted by the Court of Directors; and did consider the said consequences of the resignation as awaiting some future act or event for its complete and effectual operation; yet the said Judges did not declare any opinion on the ultimate invalidity of the said acts of Lauchlin Macleane, Esq. as not being binding on his principal, Warren Hastings, Esq. nor did they declare any opinion, that the obligation of the said resignation was not from the beginning conclusive and effectual,

effectual, although its operation was, from the necessity of the case, on account of the distance between England and India, to take place only in future; or that the said resignation made by Lauchlin Macleane, Esq. was only an offer or proposal of a resignation to be made at some future and indefinite period, or a mere intimation of the desire of Warren Hastings, Esq. to resign at some future and indefinite period, and that the said resignation, notwithstanding the acceptance thereof by the Court of Directors, and the regular appointment and confirmation of a successour, was still to remain optional in the said Warren Hastings, to be ratified or departed from at his future choice or pleasure; nor did the said Judges pronounce, nor do any of their reasonings, which accompanied their decision, tend to establish it as their opinion, that even the time for ratifying and completing the said transaction was to be at the sole discretion of the said Warren Hastings; but they only delivered their opinion, as aforesaid, that his said office "has not *yet* been vacated, and therefore that the "*actual* assumption of the Government by the "member of the Council next in succession was, "in the actual circumstances, and *rebus sic stan-* "*tibus*, illegal."

That the said Warren Hastings does no where himself contend, that the said resignation was not absolute, but optional, according to the true mean-

ing and understanding of the parties in England, and so far as the acts of Lauchlin Macleane, Esq. and the Court of Directors were binding on him; but, on the contrary, he grounds his refusal to complete the same, not on any interpretation of the words, in which the said resignation, and the other instruments aforesaid, were conceived, but rather on a disavowal (not direct indeed, but implied) of his said agent, and of the powers, under which the said agent had claimed to act in his behalf. Neither did the said Warren Hastings ground his said refusal on any objection to the particular day, or period, or circumstances, in which the requisition of General Clavering was made; nor accompany the said refusal with any qualification in that respect, or with any intimation, that he would, at any future or more convenient season, comply with the same; although such an intimation might probably have induced General Clavering to wave an instant and immediate claim to the chair, and might therefore have prevented the distractions, which happened, and the greater evils, which impended, in consequence of the said claim of General Clavering, and the said refusal of Warren Hastings, Esq. But the said Warren Hastings did, on the contrary, express his said refusal in such general and unqualified terms, as intimated an intention to resist absolutely and altogether, both then and at any future time, the said requisition of General

General Clavering. And the subsequent proceedings of the said Warren Hastings do all concur in proving, that such was his intention; for he did afterwards, in conformity to the advice of the Judges, move a resolution in Council, "that all "parties be placed in the same situation, in which "they stood before the receipt of the last advices "from England; reserving and submitting to a "decision in England the respective claims, that "each party may conceive they have a right to "make, but not acting upon those claims till such "decision shall arrive in Bengal;" thereby clearly and explicitly declaring, that it was not his intention to surrender the Government until such decision should arrive in Bengal, which could not be expected in less time than year and a half after the date of the said r ; clearly and explicitly declarin consider his resignation And the said intention still more directly and by the said Warren Ha rectors, dated the 1 1777, almost two months dispatches; in which declares, that "he did "the resignation made "any of the acts

That such appearing

of the said Warren Hastings, General Clavering was justified in immediately assuming the Government, without waiting for any future act of the said Warren Hastings for the actual surrender of the said Government, none such being likely to happen; and Philip Francis, Esquire, was justified in supporting General Clavering in the same on the soundest principles of justice, and on a maxim received in Courts of Equity, namely, that no one shall avail himself of his own wrong; and that, if any one refuse or neglect to perform that, which he is bound to do, the rights of others shall not be prejudiced thereby, but such acts shall be deemed and reputed to have been actually performed, and all the consequences shall be enforced, which would have followed from such actual performance. And therefore the resolutions moved and voted in Council by the said Warren Hastings, declaring the offices of General Clavering to be vacant, were not only illegal, inasmuch as the said Warren Hastings had no authority to warrant such a declaration, even on the supposition of the acts of General Clavering being contrary to law; but the said resolutions were further highly culpable and criminal, inasmuch as the said acts done by General Clavering, which were made the pretence of that proceeding, were strictly regular and legal.

That the refusal of the said Warren Hastings to ratify the resignation, and his disavowal of the said

said Lauchlin Macleane, his agent, is not justified by any thing contained in his said letter to the Court of Directors, dated on the 15th of August 1777, the said Warren Hastings no where directly and positively asserting, that the said Lauchlin Macleane was not his agent, and had not both full and general powers, and even particular instructions for this very act; although the said Warren Hastings uses many indirect and circuitous, but insufficient and inapplicable, insinuations to that effect. And the said letter does on the contrary contain a clear and express avowal, that the said Lauchlin Macleane was his confidential agent, and that in that capacity he acted throughout, and particularly in this special matter, with zeal and fidelity. And the said letter does further admit in effect the instructions produced by the said Lauchlin Macleane, Esquire, confirmed by Mr. Vansittart and Mr. Stewart, and relied on and confided in by the Court of Directors, by which the said Lauchlin Macleane appeared to be specially empowered to declare the said resignation; the words of the said instruction being as follow: "that he (Mr. Hastings) *will not continue in the Government of Bengal*," "unless certain conditions therein specified "can be obtained:" and the words of the said letter being as follow: "What I myself know "with certainty, or can recollect at this distance "of time, concerning the powers and instructions,

"which

duty to the Company and the Publick; and the Court of Directors had also come to various severe resolutions of censure against the said Warren Hastings, and amongst others to a resolution to recall the said Warren Hastings, and remove him from his office of Governour-General, to answer for sundry great crimes and delinquencies by him committed in his said office.

And on these accounts it appears probable, that the said resignation was tendered and accepted as a consideration for some beneficial concessions made in consequence thereof to the said Warren Hastings in his said dangerous and desperate condition.

And the said refusal was also an act of great disrespect to the Court of Directors, and to His Majesty; and, by rendering abortive their said measures, solemnly and deliberately taken, and ratified and confirmed by His Majesty, tended to bring the authority of the Court of Directors, and of His Majesty, into contempt.

And the said refusal was an injury to General Clavering.

And was also, or might have been, a great injury to Edward Wheler, Esquire.

And was an act of signal treachery to Lauchlin Macleane, Esq. as also to Mr. Vansittart and Mr. Stewart, whose honours and veracity were thereby brought into question, doubt, and suspicion.

And

And the said refusal was prejudicial to the affairs of the servants of the Company in India by shaking the confidence to be placed in their agents by those persons, with whom it might be for their interest to negotiate on any matter of importance, and by thus subjecting the communication of persons abroad with those at home to difficulties not known before.

X. SURGEON-GENERAL's CONTRACT.

THAT the said Warren Hastings, in the year 1777, did grant to the Surgeon-General a Contract for three years, for defraying every kind of hospital and medicine expense—not only in breach of the general orders of the Court of Directors with respect to the duration of contracts, but in direct opposition to a particular order of the Court of Directors, of the 30th of March 1774, when they directed, "that the Surgeon should not be permitted to enjoy any emolument arising from his "being concerned in dieting the patients; and "that the occupations of Surgeon and Contractor "should be forthwith separated."—That the said Contract was in itself highly improper, and inconsistent with the good of the service; as it afforded the greatest temptation to abuse, and established a pecuniary interest in the Surgeon-General, contrary to the duties of his station and profession.

XI. CONTRACTS FOR POOLBUNDY REPAIRS.

THAT the Governour-General and Council at Fort-William did, on the motion and recommendation of Warren Hastings, Esquire, enter into a Contract with Archibald Frazer, Esquire, on the 16th of April 1778, for the repairs of the pools and banks in the province of Burdwan, for two years, at the rate of 120,000 Sicca rupees for the first year, and 80,000 rupees for the second year.

That on the 19th of December 1778 the said Warren Hastings did further persuade the Supreme Council to prolong the term of the above Contract with Archibald Frazer for the space of three years more on the same conditions; namely, the payment of 80,000 Sicca rupees for each year. To which was added a permission to Mr. Frazer to make *Dobunds*, or special repairs, whenever he should judge them necessary, at the charge of Government.

That the said Contracts, both in the manner of their acceptance by the Supreme Council, without having previously advertised for proposals, and in the extent of their duration, were made in direct violation of the Special Orders of the Court of Directors.

That

That so far from any advantage having been obtained for the Company in the terms of these Contracts, in consideration of the length of time, for which they were to continue, the expense of Government upon this article was increased by these engagements to a very great amount.

That it appears, that this Contract had been held for some years before by the Rajah of Burdwan, at the rate of 25,000 rupees per annum.

That the superintendent of Poolbundy repairs, after an accurate and diligent survey of the Bunds and Pools, and the provincial Council of Burdwan, upon the best information they could procure, had delivered it as their opinion to the Governour-General and Council, before the said agreement was entered into, that [illegible]r the heavy expense (stated in Mr. Kinlock's e[illegible]mate, viz. 119,405 Sicca rupees) if disbursed as they recommended, the charge in future seasons would be greatly reduced, *and after one thorough and effectual repair, they conceived a small annual expense would be sufficient to keep the Bunds up and prevent their going to decay.*

That whatever extraordinary and unusual damages the Pools and Bunds might have sustained, either from the neglect of the Rajah's officers, or from the violence of the then late rains, and the torrents thereby occasioned, to justify the expense of the first year, yet as they were all considered and included

included in the estimate for that year, there could be no pretence for allowing and continuing so large and burthensome a payment as 80,000 rupees per annum for the four succeeding years.

That the said Warren Hastings did, in his Minutes of the 13th of February 1778, himself support that opinion, in the comparison to be made between Mr. Thomson's proposals of undertaking the same service for 60,000 rupees a year, for nine years, and the terms of Mr. Frazer's Contract; preferring the latter, because these were "to effect "a complete repair, which could hardly be con- "cluded in one season, and the subsequent expense "would be but trifling."

Notwithstanding which, the said Warren Hastings urged and prevailed upon the Council to allow in the first year the full amount proposed by Mr. Kinlock in his estimate of the necessary repairs, and did burthen the Company with what he must have deemed to be, for the greater part, an unnecessary expense of 80,000 rupees per annum for four years.

That the permission granted to Mr. Frazer to make Dobunds, or new and additional embankments in aid of the old ones, whenever he should judge them necessary, at the charge of Government (the said charge to be verified by the oath of the said Frazer, without any voucher) was a power very much to be suspected, and very improper to be intrusted

[illegible] r, who had already covenanted to [illegible] is in perfect repair, and to construct new ones wherever the old pools had been broken down and washed away, or where the course of the rivers might have rendered new ones necessary, in consideration of the great sums stipulated to be paid to him by the Government.

That the grant of the foregoing Contracts, and the permission afterwards annexed to the second of the said grants, become much more reprehensible from a consideration of the circumstances of the person, to whom such a grant was made.

That the due performance of the service required local knowledge and experience, which the said Archibald Frazer, being an officer in the Supreme Court of Justice, could not have possessed.

XII. CONTRACTS FOR OPIUM.

THAT it appears, that the Opium produced in Bengal and Bahar is a considerable and lucrative article in the export trade of those provinces; that the whole produce has been for many years monopolized either by individuals or by the Government; that the Court of Directors of the East-India Company, in consideration of the hardship imposed on

the native owners and cultivators of the lands, who were deprived of their natural right of dealing with many competitors, and compelled to sell the produce of their labour to a single monopolist, did authorize the Governour-General and Council to give up that commodity as an article of commerce.

That while the said commodity continued to be a monopoly for the benefit of Government, and managed by a Contractor, the Contracts for providing it were subject to the Company's fundamental regulation, namely, to be put up to auction, and disposed of to the best bidder; and that the Company particularly ordered, that the commodity when provided should be consigned to the Board of Trade, who were directed to dispose thereof by publick auction.

That in May 1777 the said Warren Hastings granted to John Mackenzie a Contract for the provision of Opium, to continue three years, and without advertising for proposals; that this transaction was condemned by the Court of Directors, notwithstanding a clause had been inserted in that Contract, by which it was left open to the Court of Directors to annul the same at the expiration of the first or second year.

That about the end of the year 1780 the said Warren Hastings, in contradiction to the order above mentioned, did take away the sale of the Opium from the Board of Trade, though he

disclaimed, at the same time, *any intention of implying a censure on their management.*

That in March 1781 the said Warren Hastings did grant to Stephen Sullivan, son of Lawrence Sullivan, Chairman of the Court of Directors of the East-India Company, a Contract for the provision of Opium, without advertising for proposals, and without even receiving any written proposals from him the said Sullivan; that he granted this Contract for four years, and at the request of the said Sullivan did omit that clause, which was inserted in the preceding Contract, and by which it was rendered liable to be determined by orders from the Company; the said Warren Hastings declaring, contrary to truth, that such clause was now unnecessary, as the Directors *had approved* the Contract.

That the said Sullivan had been but a few months in Bengal when the above Contract was given to him; that he was a stranger to the Country, and to all the local commerce thereof, and therefore unqualified for the management of such a concern; and that the said Sullivan, instead of executing the Contract himself, did, shortly after obtaining the same, assign it over to John Benn, and others; and in consideration of such assignment did receive from the said Benn a great sum of money.

That from the preceding facts, as well as from sundry other circumstances of restrictions taken off particularly by abolishing the office of inspector

into the quality of the Opium) and of beneficial clauses introduced, it appears, that the said Warren Hastings gave this Contract to the said Stephen Sullivan in contradiction to the orders of the Court of Directors, and without any regard to the interests of the India Company, for the sole purpose of creating an instant fortune for the said Sullivan at the expense of the India Company, without any claim of service or pretence of merit on his part, and without any apparent motive whatever, except that of securing or rewarding the attachment and support of his father, Lawrence Sullivan, a person of great authority and influence in the direction of the Company's affairs, and notoriously attached to and connected with the said Warren Hastings.

That the said Stephen Sullivan neither possessed, nor pretended to possess, any skill in the business of his Contract; that he exerted no industry, nor showed, or could show, any exactness in the performance of it, since he immediately sold the Contract for a sum of money to another person (for the sole purpose of which sale, it must be presumed, the same was given), by which person another profit was to be made; and by that person the same was again sold to a third, by whom a third profit was to be made.

That the said Warren Hastings, at the very time when he engaged the Company in a Contract for engrossing the whole of the Opium produced in

Bengal

Bengal and Bahar in the ensuing four years on terms of such exorbitant profit to the Contractor, affirmed, that "there was little prospect of selling "the Opium in Bengal at a reasonable price; and "that it was but natural to suppose, that the price "of Opium *would fall from the demand being les-* "*sened:*"—that in a letter, dated the 5th of May 1781, he informed the Directors, "that owing to "the indifferent state of the markets last season to "the eastward, and the very enhanced rates of 'insurance, which the war had occasioned, they 'had not been able to dispose of the Opium of 'the present year to so great an advantage as they 'expected; and that more than one half of it re-'mained still in their warehouses."—That the said Warren Hastings was guilty of a manifest breach of trust to his constituents and his employers in monopolizing for their pretended use an article of commerce, for which he declared *no purchasers had offered, and that there was little prospect of any offering*; *and the price of which*, he said, *it was but natural to suppose would fall.* That the said Warren Hastings having, by his own act, loaded the Company with a commodity, for which, either in the ordinary and regular course of publick auction, or even by private contract, there was, as he affirmed, no sale, did, under pretence of finding a market for the same, engage the Company in an enterprise of great and certain expense, subject to a manifest

risk, and full of disgrace to the East-India Company, not only in their political character, as a great sovereign power in India, but in their commercial character, as an eminent and respectable body of merchants: and that the execution of this enterprise was accompanied with sundry other engagements with other persons, in all of which the Company's interest was constantly sacrificed to that of individuals favoured by the said Warren Hastings.

That the said Warren Hastings first engaged in a scheme to export one thousand four hundred and sixty chests of Opium, on the Company's account, on board a ship belonging to Cudbert Thornhill, half of which was to be disposed of in a coasting voyage, and the remainder in Canton.—That, besides the freight and commission payable to the said Thornhill on this adventure, twelve pieces of cannon belonging to the Company were lent for arming the ship; though his original proposal was, that the ship should be armed at his expense.—That this part of the adventure, depending for its success on a prudent and fortunate management of various sales and resales in the course of a circuitous voyage, and being exposed to such risk both of sea and enemy, that all private traders had declined to be concerned in it, was particularly unfit for a great trading Company, and could not be

be undertaken on their account with any rational prospect of advantage.

That the said Warren Hastings soon after engaged in another scheme for exporting two thousand chests of Opium directly to China on the Company's account, and for that purpose accepted of an offer made by Henry Watson, the Company's chief engineer, to convey the same in a vessel of his own, and to deliver it to the Company's supercargoes.—That after the offer of the said Henry Watson had been accepted, a letter from him was produced at the Board, in which he declared, that he was unable to equip the ship with a proper number of cannon, and requested, that he might be furnished with thirty-six guns from the Company's stores at Madras, with which request the Board complied.—That it appears, that George Williamson, the Company's auctioneer at Calcutta, having complained, that by this mode of exporting the Opium, which used to be sold by publick auction, he lost his commission as auctioneer, the Board allowed him to draw a commission of one per cent. on all the Opium, which had been or was to be exported.—That it appears, that the Contractor for Opium (whose proper duties and emoluments as Contractor ended with the delivery of the Opium) was also allowed to draw a commission on the Opium then shipping on the Company's account;

but for what reason, or on what pretence, does not appear.

That the said Warren Hastings, in order to pay the said Stephen Sullivan in advance for the Opium furnished, or to be furnished, by him in the first year of his Contract, did borrow the sum of twenty lacks of rupees at eight per cent. or two hundred thousand pounds sterling, to be repaid by draughts to be drawn on the Company by their super-cargoes in China, provided the Opium consigned to them should arrive safe; but that if the adventure failed, whether by the loss of the ships, or otherwise, the subscribers to the above loan were to be repaid their capital and interest out of the Company's treasury in Bengal.

That the said Warren Hastings, having in this manner purchased a commodity, for which he said there was no sale, and paid for it with money, which he was obliged to borrow at a high interest, was still more criminal in his attempt, or pretended plan, to introduce it clandestinely into China. That the importation of Opium into China is forbidden by the Chinese Government; that the Opium, on seizure, is burnt; the vessel, that imports it, confiscated; and the Chinese, in whose possession it may be found for sale, punished with death.

That the Governour-General and Council were well

well aware of the existence of these prohibitions and penalties, and did therefore inform the supercargoes in China, that the ship belonging to the said Henry Watson would enter the river at China as an armed ship, *and would not be reported, as bearing a cargo of Opium; that being a contraband trade.*—That of the above two ships, the first, belonging to Cudbert Thornhill, was taken by the French; and that the second, arriving in China, did occasion much embarrassment and distress to the Company's super-cargoes there, who had not been previously consulted on the formation of the plan, and were exposed to great difficulty and hazard in the execution of their part of it. That the ship was delayed, at a demurrage of an hundred dollars a day, for upwards of three months, waiting in vain for a better market.—The factory estimate the *loss* to the Company, including port-charges, demurrage, and factory-charges allowed the captain, at sixty-nine thousand nine hundred and ninety-three dollars, or about twenty thousand pounds sterling.

That the Company's factory at China, after stating the foregoing facts to the Court of Directors, conclude with the following general observations thereon:—" on a review of these circumstances, " with the extravagant and unusual terms of the " freight, demurrage, factory-charges, &c. &c. " we cannot help being of opinion, that private

" considerations

" considerations have been suffered to interfere " too much for any benefit, that may have been " intended to the Honourable Company. We " hope for the honourable Court's approbation " of our conduct in this affair. The novelty and " nature of the consignments have been the source " of much trouble and anxiety; and though we " wished to have had it in our power to do more, " we may truly say we have exceeded our expec- " tations."

That every part of this transaction, from the monopoly, with which it commenced, to the contraband dealing, with which it concluded, criminates the said Warren Hastings with wilful disobedience of orders, and a continued breach of trust; that every step taken in it was attended with heavy loss to the Company, and with a sacrifice of their interest to that of individuals, and that, if finally a profit had resulted to the Company from such a transaction, no profit attending it could compensate for the probable risk, to which their trade in China was thereby exposed; or for the certain dishonour and consequent distrust, which the East-India Company must incur in the eyes of the Chinese Government by being engaged in a low, clandestine traffick, prohibited by the laws of the Country.

XIII. APPOINTMENT of R. J. SULLIVAN.

THAT, in the month of February 1781, Mr. Richard Joseph Sullivan, Secretary to the Select Committee at Fort-St.-George, applied to them for leave to proceed to Calcutta *on his private affairs.* That, being the confidential secretary to the Select Committee at Fort-St.-George, and consequently possessed of all the views and secrets of the Company, as far as they related to that government, he went privately into the service of the Nabob of Arcot; and under the pretence of proceeding to Calcutta on his private business, undertook a commission from the said Nabob to the Governour-General and Council, to negotiate with them in favour of certain projects of the said Nabob, which had been reprobated by the Company.

That the said Sullivan was soon after appointed back again by the said Warren Hastings to the office of Resident at the Durbar of the said Nabob of Arcot. That it was a high crime and misdemeanor in the said Hastings to encourage so dangerous an example in the Company's service, and to interfere unnecessarily with the Government of Madras in the discharge of the duties peculiarly ascribed

ascribed to them by the practice and orders of the Company, for the purpose of appointing to a great and confidential situation a man, who had so recently committed a breach of trust to his employers.

That the Court of Directors, in their letter to Bengal, dated the 12th of July 1782, and received there on the 18th of February 1783, did *condemn and revoke* the said appointment. That the said Directors, in theirs' to Fort-St.-George, dated the 28th of August 1782, and received there the 31st of January 1783, did highly condemn the conduct of the said Sullivan; and, in order to deter their servants from practices of the same kind, *did dismiss him from their service.*

That the said Hastings knowing, that the said Sullivan's appointment had been condemned and revoked by the Court of Directors, and pretending, that on the 15th of March 1783 he did not know, that the said Sullivan was *dismissed* from the Company's service, though that fact was known at Madras on the 31st of the preceding January, did recommend the said Sullivan to be embassador at the Court of Nizam Ally Cawn, Subahdar of the Deccan, in defiance of the authority and orders of the Court of Directors.

That even admitting, what is highly improbable, that the *dismission* of the said Sullivan from the service of the said Company was not known at Calcutta

Calcutta in forty-three days from Madras, the last-mentioned nomination of the said Sullivan was made at least in contempt of the censure already expressed by the Court of Directors at his former appointment to the Durbar of the Nabob of Arcot, and which was certainly known to the said Hastings.

XIV. RANNA OF GOHUD.

THAT on the 2d of December 1779 the Governour-General and Council of Fort-William, at the special recommendation and instance of Warren Hastings, Esquire, then Governour-General, and contrary to the declared opinion and protest of three of the members of the Council, (viz.) Philip Francis and Edward Wheler, Esquires, who were present; and of Sir Eyre Coote, who was absent (by whose absence the casting voice of the said Warren Hastings, Esquire, prevailed), did conclude a treaty of perpetual friendship and alliance, offensive and defensive, with a Hindoo prince, called the Ranna [illegible], for the express purpose of using the forces of the said Ranna in opposition to the Mahrattas.

That, among other articles, it was stipulated with the said Ranna by the said Warren Hastings, "that

" that whenever peace should be concluded be-
" tween the Company and the Mahratta State,
" the Maha Rajah should be included as a party
" in the treaty, which should be made for that
" purpose; and his present possessions, together
" with the Fort of Gualior, which of old belonged
" to the family of the Maha Rajah, if it should
" be then in his possession, and such countries as
" he should have acquired in the course of war,
" and which it should then be stipulated to leave
" in his hands, should be guarantied to him by such
" treaty."

That in the late war against the Mahrattas the said Ranna of Gohud did actually join the British army, under the command of Colonel Muir, with two battalions of infantry, and 1,200 cavalry, and did then serve in person against the Mahrattas, thereby affording material assistance, and rendering essential service to the Company.

That in conformity to the above-mentioned treaty, in the fourth article of the treaty of peace, concluded on the 13th of October 1781, between Colonel Muir on the part of the English Company, and Madajee Scindia the Mahratta general, the said Ranna of Gohud was expressly included.

That, notwithstanding the said express provision and agreement, Madajee Scindia proceeded to attack the forts, and lay waste the territories, of the said Ranna, and did undertake and prosecute a

war

war against him for the space of two years; in the course of which the Ranna and his family were reduced to extreme distress, and in the end he was deprived of his forts, and the whole not only of his acquired possessions, but of his original dominions, so specially guarantied to him by the British Government in both the above-mentioned treaties.

That the said Warren Hastings was duly and regularly informed of the progress of the war against the Ranna, and of every event thereof; notwithstanding which, he not only neglected in any manner to interfere therein in favour of the said Ranna, or to use any endeavours to prevent the infraction of the treaty, but gave considerable countenance and encouragement to Madajee Scindia in his violation of it, both by the residence of the British minister in the Mahratta camp, and by the approbation shown by the said Warren Hastings to the promises made by his agent of observing the strictest neutrality, notwithstanding he was in justice bound, and stood pledged by the most solemn and sacred engagements, to protect and preserve the said Ranna from those enemies, whose resentment he had provoked only by his adherence to the interests of the British nation.

That in the only attempt made to sound the disposition of Madajee Scindia, relative to a pacification between him and the Ranna of Gohud, on the

the 14th of May 1783, Mr. Anderson, in obedience to the orders he had received, did clearly and explicitly declare to Bhow Bucksey, the minister of Madajee Scindia, the sentiments of the said Warren Hastings in the words following :—" that "it was so far from your (the said Hastings's) " meaning to intercede in his (the said Ranna's) " favour, that I only desired him to sound Scin- " dia's sentiments, and in case he was desirous of " peace, to mention what I had said; but if he " seemed to prefer carrying on the war, I begged, " that he would not mention a syllable of what " had passed, but let the matter drop entirely."

That it afterwards appeared, in a Minute of the said Hastings in Council at Fort-William, on the 22d of September 1783, that he promised, at the instance of a member of the Council, to write to Lieutenant James Anderson in favour of the Ranna of Gohud, and lay his letter before the Board.

That nevertheless the said Hastings, professing not to *recollect* his said promise, did *neglect to write a formal letter to Lieutenant Anderson in favour of the said Ranna of Gohud*, and that the private letter, the extract of which the said Hastings did lay before the Board on the 21st of October 1783, so far from directing any effectual interference in favour of the said Ranna, or commanding his agent, the said James Anderson, to interpose the mediation of the British Government to procure

" *honourable*

"*honourable terms*" for the said Ranna, or even "*safety to his person and family*," contains the bitterest invectives against him, and is expressive of the satisfaction, which the said Hastings acknowledges himself to have enjoyed in the distresses of the said Ranna, the ally of the Company.

That the measures therein recommended appear rather to have been designed to satisfy Madajee Scindia, and to justify the conduct of the British Government in not having taken a more active and a more hostile part against the said Ranna, than an intercession on his behalf.

That though no consideration of good faith, or observance of treaties, could induce the said Hastings to incur the hazard of any hostile exertion of the British force for the defence or the relief of the allies of the Company, yet in the said private letter he directed, that, in case his mediation should be accepted, it should be made a *specifick condition*, that, *if the said Ranna should take advantage of Scindia's absence to renew his hostilities, we ought in that case, on requisition, to invade the dominions of the Ranna.*

That no beneficial effects could have been procured to the said Ranna by an offer of mediation delayed till Scindia no longer wanted "*our assist-*" "*ance to crush so fallen an enemy*;" at the same time that no reason was given to Scindia to apprehend the danger of drawing upon himself the

resentment of the British Government by a disregard of their proposal, and the destruction of their ally.

That it was a gross and scandalous mockery in the said Hastings to defer an application to obtain honourable terms for the Ranna, and safety for his person and family, till he had been deprived of his principal fort, in defence of which his uncle lost his life, and on the capture of which his wife, to avoid the dishonour consequent upon falling into the hands of her enemies, *had destroyed herself by an explosion of gunpowder.*

That, however, it does not appear, that any offer of mediation was ever actually made, or any influence exerted, either for the safety of the Ranna's person and family, or in mitigation of the *rigorous intentions* supposed by Lieutenant Anderson * to have been entertained against him by Madajee Scindia after his surrender.

) Feb- y 1784.

That the said Hastings, in the instructions given by him to Mr. David Anderson for his conduct in negotiating the treaty of peace with the Mahrattas, expressed his determination to desert the Ranna of Gohud, in the following words: "you "will of course be attentive to any engagements "subsisting between us and other powers, in set- "tling the terms of peace and alliance with the "Mahrattas; I except from this the Ranna of "Gohud."

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" Gohud."—" Leave him to settle his own affairs " with the Mahrattas."

That the said Anderson appears very assiduously to have sought for grounds to justify the execution of this part of his instructions, to which, however, he was at all events obliged to conform.

That even after his application for that purpose to the Mahrattas, whose testimony was much to be suspected, because it was their interest to accuse, and their determined object to destroy, the said Ranna, no satisfactory proof was obtained of his defection from the engagements he had entered into with the Company.

That moreover, if all the charges, which have been pretended against the Ranna, and have been alleged by the said Hastings in justification of his conduct, had been well founded, and proved to be true, the subject-matter of those accusations, and the proofs, by which they were to be supported, were known to Colonel Muir before the conclusion of the treaty he entered into with Madajee Scindia; and therefore, whatever suspicions may have been entertained, or whatever degree of criminality may have been proved against the said Ranna, previous to the said treaty, from the time he was so provided for and included in the said treaty, he was fully and justly entitled to the security stipulated for him by the Company, and had a right to

demand and receive the protection of the British Government.

That these considerations were urged by Mr. Anderson to the said Warren Hastings, in his letter of the 24th of June 1781, and were enforced by this additional argument, "that in point of "policy, I believe, it ought not to be our wish, "that the Mahrattas should ever recover the for- "tress of Gualior; it forms an important barrier "to our own possessions. In the hands of the "Ranna it can be of no prejudice to us; and "notwithstanding the present prospect of a per- "manent peace betwixt us and the Mahrattas, it "seems highly expedient, that there should always "remain some strong barrier to separate us, on "this side of India, from that warlike and power- "ful nation."

That the said Warren Hastings was highly culpable in abandoning the said Ranna to the fury of his enemies, thereby forfeiting the honour, and injuring the credit, of the British nation in India, notwithstanding the said Hastings was fully convinced, and had professed, "that the most sacred "observance of treaties, justice, and good faith, "were necessary to the existence of the national "interests in that country."—And though the said Hastings has complained of the insufficiency of the laws of this kingdom to enforce this doctrine "by

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" the punishment of persons in the possession of " power, who may be impelled by the provocation " of ambition, avarice, or vengeance, stronger than " the restrictions of integrity and honour, to the " violation of this just and wise maxim."

That the said Hastings, in thus departing from these his own principles, with a full and just sense of the guilt he would thereby incur, and in sacrificing the allies of this country " *to the provocations* " *of ambition, avarice, or vengeance,*" in violation of the national faith and justice, did commit a gross and wilful breach of his duty, and was thereby guilty of an high crime and misdemeanor.

XV. REVENUES.

PART I.

THAT the property of the lands of Bengal is, according to the laws and customs of that country, an inheritable property, and that it is, with few exceptions, vested in certain natives, called Zemindars, or Landholders, under whom other natives, called Talookdars and Ryots, hold certain subordinate rights of property, or occupancy, in the said lands:—that the said natives are Hindoos, and that their *rights and privileges are grounded*

upon the possession of regular grants, a long series of family succession, and fair purchase:—that it appears, that Bengal has been under the dominion of the Mogul, and subject to a Mahommedan Government, for above two hundred years:—that, while the Mogul Government was in its vigour, the property of Zemindars was *held sacred*; and that either by voluntary grant from the said Mogul, or by composition with him, the native Hindoos were left in the free, quiet, and undisturbed possession of their lands, on the single condition of paying a fixed, certain, and unalterable revenue, or quitrent, to the Mogul Government:—that this revenue, or quitrent, was called the *Aussil Jumma*, or *original ground-rent*, of the provinces, and was not increased from the time when it was first settled in 1573 to 1740, when the regular and effective Mogul Government ended:—that, from that time to 1765, invasions, usurpations, and various revolutions took place in the Government of Bengal, in consequence of which the country was considerably reduced and impoverished, when the East-India Company received from the present Mogul emperour, Shâ Alum, a grant of the Dewanny, or collection of the Revenues:—that about the year 1770 the provinces of Bengal and Bahar were visited with a dreadful famine and mortality, by which at least one third of the inhabitants perished:—that Warren Hastings, Esquire, has declared,

"that

" that he had always heard the loss of inhabitants " reckoned at a third, and in many places near " one half, of the whole; and that he knew not " by what means such a loss could be recruited in " four or five years, and believed it impossible." That nevertheless the revenue was *violently kept up to its former standard*, that is, in the two years immediately preceding the appointment of the said Warren Hastings to the government of Fort-William; in consequence of which *the remaining two thirds of the inhabitants were obliged to pay for the lands now left without cultivation*; and that from the year 1770 to the year 1775 *the country had languished, and the evil continued enhancing every day*:—that the said Warren Hastings, in a letter to the Secret Committee of the Court of Directors, dated 1st September 1772, declared, " that the lands had suffered unheard-of depopu- " lation by the famine and mortality of 1769;— " that the collections, *violently kept up to their* " *former standard*, had added to the distress of " the country, and threatened a general decay of " the revenue, unless immediate remedies were " applied to prevent it." That the said Warren Hastings has declared, " that, by intrusting the " collections to the hereditary Zemindars, the " people would be treated with *more tenderness*, " the rents more improved, and cultivation more " likely to be encouraged; that *they* have a

" perpetual interest in the country; that *their* " inheritance cannot be removed; that *they* are " the proprietors; that the lands are *their* estates, " and *their* inheritance; that, from a long con- " tinuance of the lands in their families, it is to be " concluded they have rivetted an authority in " the district, acquired an ascendency over the " minds of the Ryots, and *ingratiated their af-* " *fections.* That, from continuing the lands under " the management of those, who have a natural " and perpetual interest in their prosperity, solid " advantages might be expected to accrue: that " the Zemindar would be less liable to failure or " deficiencies than the farmer, from the perpetual " interest, which the former hath in the country, " and because his inheritance cannot be removed; " and it would be improbable, that he should risk " the loss of it by eloping from his district, which " is too frequently practised by a farmer when he " is hard pressed for the payment of his balances, " and as frequently predetermined when he re- " ceives his farm:"—that notwithstanding all the preceding declarations made by the said Warren Hastings of the loss of one third of the inhabitants, and general decline of the country, he did, immediately after his appointment to the Government, in the year 1772, make an arbitrary settlement of the Revenues for five years, at a higher rate than had ever been received before, and with a progressive

progressive and accumulating increase on each of the four last years of the said settlement.

That notwithstanding the right of property and inheritance, repeatedly acknowledged by the said Warren Hastings to be in the Zemindars, and other native landholders; and notwithstanding he had declared, "that the security of private pro-"perty is the greatest encouragement to industry, "on which the wealth of every state depends;" the said Warren Hastings, nevertheless, in direct violation of those acknowledged rights and principles, did universally let the lands of Bengal *in farm* for five years; thereby destroying all the rights of private property of the Zemindars; thereby delivering the management of their estates to farmers, and transferring by a most arbitrary and unjust act of power the whole landed property of Bengal from the owners to strangers:—that, to accomplish this iniquitous purpose, he, the said Warren Hastings, did put the lands of Bengal up to a pretended publick auction, *and invited all persons to make proposals for farming the same*, thereby encouraging strangers to bid against the proprietors; in consequence of which not only the said proprietors were ousted of the possession and management of their estates, but a great part of the lands fell into the hands of the Banyans, or principal black servants of British subjects, connected with and protected by the Government:

and that the said Warren Hastings himself has since declared, that *by this way the lands too generally fell into the hands of desperate or knavish adventurers*:—that, before the measure hereinbefore described was carried into execution, the said Warren Hastings did establish certain fundamental regulations in Council, to be observed in executing the same:—that among these regulations it was specially and strictly ordered, that no farm should exceed the annual amount of *one* lack of rupees; and "that no Peshcar, Banyan, or "other servant, of whatever denomination, of the "collector, or relation or dependant of any such "servant, should be allowed to farm lands, nor "directly or indirectly to hold a concern in any "farm, nor to be security for any farmer:"—that, in direct violation of these his own regulations, and in breach of the publick trust reposed in him, and sufficiently declared by the manifest duty of his station, if it had not been expressed and enforced by any positive institution, he, the said Warren Hastings, did permit and suffer his own Banyan, or principal black steward, named Canto Baboo, to hold farms in different Pergunnas, or districts, or to be security for farms, to the amount of thirteen lacks of rupees [£130,000, or upwards] per annum; and that, after enjoying the whole of those farms for two years, he was permitted by the said Warren Hastings to relinquish

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two of them:—that on the subject of the farms held by Canto Baboo, the said Warren Hastings made the following declaration: "many of his "farms were taken without my knowledge, and "almost all against my advice. I had no right "to use compulsion, or authority; nor could I "with justice exclude him, because he was my "servant, from a liberty allowed to all other per-"sons in the country.—The farms, which he "quitted, he quitted by my advice, because I "thought, that he might engage himself beyond "his abilities, and be involved in disputes, which "I did not choose to have come before me as "judge of them."—That the said declaration contains sundry false and contradictory assertions:—that, if *almost all* the said farms were taken against his advice, it cannot be true, that *many* of them were taken without his knowledge:—that, whether Canto Baboo had been his servant or not, the said Warren Hastings was bound by his own regulations to prevent his holding any farms to a greater amount than one lack of rupees per annum; and that the said Canto Baboo, being the servant of the Governour-General, was excluded by the said regulations from holding any farms whatever:—that if (as the Directors observe) it was thought dangerous to permit the Banyan of a Collector to be concerned in farms, the same or stronger objections would always lie against the Governour's

Address to the Court of Directors, 25 March, 1775.

Banyan being so concerned:—that the said Warren Hastings had a right, and was bound by his duty, to prevent his servant from holding the same:—that, in advising the said Canto Baboo to relinquish some of the said farms, for which he was actually engaged, he has acknowledged an influence over his servant, and has used that influence for a purpose inconsistent with his duty to the India Company, namely, to deprive them of the security of the said Canto Baboo's engagement for farms, which on trial he had found not beneficial, or not likely to continue beneficial, to himself; and that if it was improper, that he, the said Warren Hastings, should be the judge of any disputes, in which his servant might be involved on account of his farms, that reason ought to have obliged him to prevent his servant from being engaged in any farms whatever, or to have advised his said servant to relinquish the remainder of his farms, as well as those, which the said Warren Hastings affirms he quitted by his advice:—that on the subject of the said charge, the Court of Directors of the East-India Company have come to the following resolutions: "*Resolved*, that it appears, that the "conduct of the late President and Council of "Fort-William in Bengal, in suffering Canto Ba-"boo, the present Governour-General's Banyan, "to hold farms in different Pergunnas to a large "amount, or to be security for such farms,

"contrary

" contrary to the tenour and spirit of the 17th " regulation of the Committee of Revenue at Fort- " William, of the 14th May 1772, and afterwards " relinquishing that security without satisfaction " made to the Company, was highly improper, and " has been attended with considerable loss to the " Company:"—and that, in the whole of this transaction, the said Warren Hastings has been guilty of gross collusion with his servant, and manifest breach of trust to his employers:—that, whereas it was acknowledged by the said Warren Hastings, that the country, in the years 1770 and 1771, had suffered great depopulation and decay; —and, that the collections of those years, having been violently kept up to their former standard, had added to the distress of the country,—the settlement of the Revenues made by him for five years, commencing the 1st of May 1772, instead of offering any abatement or relief to the inhabitants, who had survived the famine, held out to the East-India Company a promise of great *increase* of Revenue, to be exacted from the country by the means hereinbefore described:—that this settlement was not realized, but fell considerably short, even in the first of the five years, when the demand was the lightest; and that, on the whole of the five years, the real collections fell short of the settlement to the enormous amount of two millions and a half sterling, and upwards:—that such a

settlement, if it had been, or could have been, rigorously exacted from a country already so distressed, and from a population so impaired, that in the belief of the said Warren Hastings it was impossible such loss could be recruited in four or five years, would have been in fact, what it appeared to be in form, an act of the most cruel and tyrannical oppression; but that the real use made of that unjust demand upon the natives of Bengal was, to oblige them to compound privately with the persons, who formed the settlement, and who threatened to enforce it:—that the enormous balances and remissions on that settlement arose from a general collusion between the farmers and collectors, and from a general peculation and embezzlement of the Revenues, by which the East-India Company was grossly imposed on, in the first instance, by a promised *increase* of Revenue; and defrauded, in the second, not only by the failure of that *increase*, but by the Revenues falling short of what they were in the two years preceding the said settlement to a great amount.—That the said Warren Hastings, being then at the head of the government of Bengal, was a party to all the said imposition, fraud, peculation, and embezzlement, and is principally and specially answerable for the same; and that whereas sundry proofs of the said peculation and embezzlement were brought before the Court of Directors, the said Directors

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the said Warren Hastings, immediately after his appointment to the government of Fort William in April 1772, did abolish the office of *Naib Duan*, or native collector of the revenues, then existing: —that he did at the same time appoint a Committee of the Board to go on a circuit through the provinces, and to form a settlement of the revenues for five years:—that he did then appoint sundry of the Company's servants to have the management of the collections, viz. one in each district, under the title of *Collector*:—that he did then abolish the General Board of Revenue or Council at Muxadavad for the following reasons: 3d Nov. 1772.

" that while the controlling and executive part of " the revenue, and the correspondence with the " Collectors, was carried on by a Council at " Muxadavad, the members of the administration " at Calcutta had no opportunity of acquiring that " thorough and comprehensive knowledge, which " could only result from *practical experience*: that " the orders of the Court of Directors, which " established a new system, which enjoined many " new regulations and inquiries, could not pro- " perly be delegated to a subordinate Council; " and it became absolutely necessary, that the " business of the revenue should be conducted " *under the immediate observation and direction of* " *the Board*:"—that, in November 1773, the said Warren Hastings abolished the office of *collector*,

REVENUES.

PART II.

THAT the said Warren Hastings has, on sundry occasions, declared his deliberate opinion generally against all innovations, and particularly in the collection and management of the revenues of Bengal; that "he was well aware of the ex- "pense and inconvenience, *which ever attends* "*innovations of all kinds* on their first institution. "—That innovations are *always* attended with "difficulties and inconveniencies, and innovations "in the revenue with a suspension of the col- "lections:—that the continual variations in the "mode of collecting the revenue, and the con- "tinual usurpation of the rights of the peo- "ple, have fixed in the minds of the Ryots "a rooted distrust of the ordinances of Govern- "ment:"—that the Court of Directors have re- peatedly declared their apprehensions, "that a "sudden transition from one mode to another, in "the investigation and collection of their revenue, "might have alarmed the inhabitants, lessened "their confidence in the Company's proceedings, "and been attended with other evils:"—that the

3d Nov. 1772. 24th Oct. 1774. 22d April 1775. 5th Feb. 1777. 4th July 1777.

the said Warren Hastings, immediately after his appointment to the government of Fort William in April 1772, did abolish the office of *Naib Duan*, or native collector of the revenues, then existing: —that he did at the same time appoint a Committee of the Board to go on a circuit through the provinces, and to form a settlement of the revenues for five years:—that he did then appoint sundry of the Company's servants to have the management of the collections, viz. one in each district, under the title of *Collector*:—that he did then abolish the General Board of Revenue or Council at Muxadavad for the following reasons: 3d Nov. 1772.

"that while the controlling and executive part of "the revenue, and the correspondence with the "Collectors, was carried on by a Council at "Muxadavad, the members of the administration "at Calcutta had no opportunity of acquiring that "thorough and comprehensive knowledge, which "could only result from *practical experience*: that "the orders of the Court of Directors, which "established a new system, which enjoined many "new regulations and inquiries, could not pro- "perly be delegated to a subordinate Council; "and it became absolutely necessary, that the "business of the revenue should be conducted "*under the immediate observation and direction of "the Board*:"—that, in November 1773, the said Warren Hastings abolished the office of *collector*,

and transferred the collection and management of the revenues to several Councils of Revenue, commonly called *Provincial Councils*:—that on the 24th of October 1774 the said Warren Hastings *earnestly offered his advice* (to the Governour-General and Council then newly appointed by Act of Parliament) *for the continuation of the said system of Provincial Councils in all its parts*:—that the said Warren Hastings did, on the 22d of April 1775, transmit to the Directors a formal plan for the future settlement of the revenues, and did therein declare, that, "with respect to the "mode of managing the collection of the revenue, "and the administration of justice, none occurred "to him so good as the system, which was already "established, of Provincial Councils:"—that on the 18th of January 1776 the said Warren Hastings did transmit to the Court of Directors a plan for the better administration of justice: that in this plan the establishment of the said Provincial Councils was specially provided for, and confirmed; and that Warren Hastings did recommend it to the Directors *to obtain the sanction of Parliament for a confirmation of the said plan*: that on the 30th of April 1776 the said Warren Hastings did transmit to the Court of Directors the draught or scheme of an Act of Parliament for the better administration of justice in the provinces, in which the said establishment of Provincial Councils is

again

again specially included, and special jurisdiction assigned to the said Councils. That the Court of Directors, in a letter dated 5th of February 1773, did give the following instruction to the Governour-General and Council, a majority of whom, viz. Sir John Clavering, Colonel Monson, and Mr. Francis, had disapproved of the plan of Provincial Councils.—" If you are fully convinced, that the " establishment of Provincial Councils has not " answered, nor is not capable of answering, the " purposes intended by such institutions, we hereby " direct you to form a new plan for the collection " of the revenues, and to transmit the same to us " *for our consideration.*"—That the said Warren Hastings, in contradiction to his own sentiments repeatedly declared, and to his own advice repeatedly and deliberately given, and in defiance of the orders of the Directors, to whom he transmitted no previous communication whatever of his intention to abolish the said Provincial Councils, did, in the beginning of the year 1781, again change the whole system of the collections of the publick revenue of Bengal, as also the administration of civil and criminal justice throughout the provinces.—That the said Warren Hastings, in a letter dated 5th of May 1781, advising the Court of Directors of the said changes, has falsely affirmed, " that the plan of superintending and col- " lecting the publick revenue of the provinces,

" through the agency of Provincial Councils, had " been instituted for the temporary and declared " purpose of introducing another more permanent " mode *by an easy and gradual change:*"—that, on the contrary, the said Warren Hastings, from the year 1773 to the year 1781, has constantly and uniformly insisted on the wisdom of that institution, and on the necessity of never departing from it:—that he has in that time repeatedly advised, that the said institution should be confirmed *in perpetuity* by an Act of Parliament:—that the said total dissolution of the Provincial Councils was not introduced by any easy and gradual change, nor by any gradations whatever; but was sudden and unprepared, and instantly accomplished by a single act of power: and that the said Warren Hastings, in the place of the said Councils, has substituted a Committee of Revenue, consisting of four covenanted servants, on principles opposite to those, which he had himself professed; and with exclusive powers, tending to deprive the members of the Supreme Council of a due knowledge of, and inspection into, the management of the territorial revenues, specially and unalienably vested by the Legislature in the Governour-General and Council, and to vest the same solely and entirely in the said Warren Hastings,—That the reasons assigned by the said Warren Hastings for constituting the said Committee of Revenue

Revenue are incompatible with those, which he professed when he abolished the subordinate Council of Revenue at Muxadavad :—that he has invested the said Committee, *in the fullest manner, with all the powers and authority of the Governour-General and Council:*—that he has thereby contracted the whole power and office of the provincial Councils into a small compass, and vested the same in four persons appointed by himself:—that he has thereby taken the general transaction and cognizance of revenue business out of the Supreme Council:—that the said Committee are empowered to conduct the current business of the revenue department without reference to the Supreme Council, and only *report to the Board such extraordinary occurrences, claims, and proposals, as may require the special orders of the Board:*—that even the instruction to report to the Board, in extraordinary cases, is nugatory and fallacious, being accompanied with limitations, which make it impossible for the said Board to decide on any questions whatsoever; since it is expressly provided by the said Warren Hastings, *that, if the members of the Committee differ in opinion, it is not expected, that every dissentient opinion should be recorded*; consequently the Supreme Council, on any reference to their Board, can see nothing but the resolutions or reasons of the majority of the Committee, without the arguments, on which the

dissentient opinions might be founded; and since it is also expressly provided by the said Warren Hastings, that *the determination of the majority of the Committee should not therefore be stayed, unless it should be so agreed by the majority*; that is, that notwithstanding the reference to the Supreme Council, the measure shall be executed without waiting for their decision. That the said Warren Hastings has delivered his opinion, with many arguments to support the same, in favour of long leases of the lands, in preference to *annual* settlements; that he has particularly declared, "that "the farmer, who holds his farm for one year "only, having no interest in the next, takes what "he can with the hand of rigour, which, even in "the execution of legal claims, is often equivalent "to violence. He is under the necessity of being "rigid, and *even cruel*; for what is left in arrear "after the expiration of his power, is at best a "doubtful debt, if ever recoverable. He will be "tempted to exceed the bounds of right, and to "augment his income by irregular exactions, and "by racking the tenants, for which pretences will "not be wanting, where the farms pass *annually* "from one hand to another. That the discou-"ragements, which the tenants feel from being "transferred every year to new landlords, are a "great objection to such short leases; that they "contribute to injure the cultivation, and dis-

" people the lands. That, on the contrary, from " long farms the farmer acquires a permanent " interest in his lands: he will, for his own sake, " lay out money in assisting his tenants in im- " proving lands already cultivated, and in clearing " and cultivating waste lands." That nevertheless the said Warren Hastings, having left it to the discretion of the Committee of Revenue, appointed by him in 1781, to fix the time, for which the ensuing settlement should be made; and the said Committee having declared, that, *with respect to the period of the leases in general, it appeared to the Committee, that to limit them to one year would be the best period*, he, the said Warren Hastings, approved of that limitation, in manifest contradiction to all his own arguments, professions, and declarations, concerning the fatal consequences of *annual* leases of the lands:—that, in so doing, the said Warren Hastings did not hold himself bound or restrained by the orders of the Court of Directors, but acted upon his own discretion; and that he has, for partial and interested purposes, exercised that discretion in particular instances against his own general settlement for one year, by granting perpetual leases of farms and Zemindaries to persons specially favoured by him; and particularly by granting a perpetual lease of the Zemindary of Baharhund to his servant Canto Baboo on very low terms:—that, in all the preceding transactions,

the said Warren Hastings did act contrary to his duty, as Governour of Fort-William, contrary to the orders of his employers, and contrary to his own declared sense of expediency, consistency, and justice; and thereby did harass and afflict the inhabitants of the provinces with perpetual changes in the system and execution of the government placed over them, and with continued innovations and exactions against the rights of the said inhabitants; thereby destroying all security to private property, and all confidence in the good faith, principles, and justice of the British Government; and that the said Warren Hastings, having substituted his own instruments to be the managers and collectors of the publick revenue, in the manner herein before mentioned, did act in manifest breach and defiance of an Act of the 13th of His present Majesty, by which *the ordering and management and government of all the territorial revenues in the kingdoms of Bengal, Bahar, and Orissa*, were vested in the Governour-General and Council, without any power of delegating the said trust and duty to any other persons; and that by such unlawful delegation of the powers of the Council to a subordinate Board appointed by himself, he, the said Warren Hastings, did in effect unite and vest in his own person the ordering, government, and management of all the said territorial revenues:—and that, for the said illegal act, he, the said

said Warren Hastings, is solely answerable, the same having been proposed and resolved in Council, when the Governour-General and Council consisted but of two persons present; namely, the said Warren Hastings, and the late Edward Wheler, Esquire; and when consequently the Governour-General, by virtue of the casting voice, possessed the whole power of the Government.—That in all the changes and innovations hereinbefore described, the pretence used by the said Warren Hastings to recommend and justify the same to the Court of Directors has been, that such changes and innovations would be attended with increase of revenue, or diminution of expense to the East-India Company:—that such pretence, if true, would not have been a justification of such acts; but that such pretence is false and groundless.—That, during the administration of the said Warren Hastings, the territorial revenues have declined; that the charges of collecting the same have greatly increased; and that the said Warren Hastings by his neglect, mismanagement, and by a direct and intended wa of the Company's property, is chargeable wit , answerable for, all the said decline of revenue, and all the said increase of expense.

XVI. MISDEMEANORS IN OUDE.

I.

THAT the province of Oude and its dependencies were, before their connexion with and subordination to the Company, in a flourishing condition with regard to culture, commerce, and population, and their rulers and principal nobility maintained themselves in a state of affluence and splendour; but very shortly after the period aforesaid, the prosperity both of the country and its chiefs began sensibly and rapidly to decline; insomuch that the revenue of the said province, which on the lowest estimation had been found, in the commencement of the British influence, at upwards of three millions sterling annually (and that ample revenue raised without detriment to the country) did not, in the year 1779, exceed the sum of £. 1,500,000, and in the subsequent years did fall much short of that sum, although the rents were generally advanced, and the country grievously oppressed in order to raise it.

II.

That in the aforesaid year 1779 the demands of the East-India Company on the Nabob of Oude

Oude are stated by Mr. Purling, their Resident at the Court of Oude, to amount to the sum of £. 1,360,000 sterling and upwards, leaving (upon the supposition, that the whole revenue should amount to the sum of £. 1,500,000 sterling, to which it did not amount) no more than £. 140,000 sterling for the support of the dignity of the household and family of the Nabob, and for the maintenance of his government, as well as for the payment of the publick debts due within the province.

III.

That by the treaty of Fyzabad a regular brigade of the Company's troops, to be stationed in the dominions of the Nabob of Oude, was kept up at the expense of the said Nabob; in addition to which a temporary brigade of the same troops was added to his establishment, together with several detached corps in the Company's service, and a great part of his own native troops were put under the command of British officers.

IV.

That the expense of the Company's temporary brigade increased in the same year (the year of 1779) upwards of £. 80,000 sterling above the estimate; and the expense of the country troops under British officers, in the same period, increased upwards of £. 40,000 sterling; and in addition to the aforesaid

aforesaid ruinous expenses a large civil establishment was gradually, secretly, and without any authority from the Court of Directors, or record in the books of the Council-General concerning the same, formed for the Resident, and another under Mr. Wombwell, an agent for the Company; as also several pensions and allowances, in the same secret and clandestine manner, were charged on the revenues of the said Nabob for the benefit of British subjects, besides large occasional gifts to persons in the Company's service.

V.

That in the month of November 1779 the said Nabob did represent to Mr. Purling, the Company's Resident aforesaid, the distressed state of his revenues in the following terms: "during three years "past, the expense occasioned by the troops in "brigade, and others commanded by European "officers, has much distressed the support of my "household, insomuch that the allowances made "to the seraglio and children of the deceased "Nabob have been reduced to *one fourth* of what "it had been, upon which they have subsisted in a "very distressed manner for two years past. The "attendants, writers, and servants, &c. of my "court, have received no pay for two years past; "and there is at present no part of the country, "that can be allotted to the payment of my father's

"private

" private creditors, whose applications are daily " pressing upon me. All these difficulties I have " for these three years past struggled through, " and found this consolation therein, that it was " complying with the pleasure of the Honourable " Company, and in the hope, that the Supreme " Council would make inquiry from impartial per- " sons into my distressed situation; but I am now " forced to a representation. From the *great in-* " *crease of expense* the revenues were necessarily " farmed out *at a high rate*; and deficiencies fol- " lowed yearly. The country and cultivation is " abandoned, and this year, in particular, from the " excessive drought, deductions of many lacks" [sated by the Resident, in his letter to the Board of the 13th of the month following, to amount to 25 lacks, or £. 250,000 sterling] " have been al- " lowed the farmers, who were still left unsatisfied. " I have received but just sufficient to support my " absolute necessities, the revenues being deficient " to the amount of 15 lacks [£. 150,000 sterling] " and for this reason many of the old chieftains, " with their troops, and the useful attendants of " the Court, were forced to leave it, and there is " now only a few foot and horse for the collection " of my revenues; and should the Zemindars be " refractory, there is not left a sufficient number " to reduce them to obedience." And the said Nabob did therefore pray, that the assignments for

the

the new brigade, the corps of horse, and the other detached bodies of the Company's troops, might not be required from him; alleging, "that the "former was not only quite useless to his govern- "ment, but moreover the cause of much loss both "in the revenues and customs; and that the de- "tached bodies of troops under their European "officers brought nothing but confusion into the "affairs of his government, and were entirely their "own masters."

VI.

That it appears, that the said Nabob was not bound by any treaty to the maintenance, without his consent, *even of the old brigade*; the Court of Directors having, in their letter of the 15th December 1775, approved of keeping the same in his service, "*provided it was done with the free con-* "*sent of the Soubah, and by no means without it.*" And the *new brigade*, and temporary corps, were raised on the express condition, that the expense thereof should be charged on the Nabob only "*for so long a time as he should require the corps* "*for his service.*" And the Court of Directors express to the Governour-General and Council their sense of the said agreement in the following terms: "but if you intend to exert your influence, "first to induce the Vizier to acquiesce in your "proposal, and afterwards *to compel him to keep* "*the troops in his pay during your pleasure, your*

"*intents*

" *intents are unjust; and a correspondent conduct*
" *would reflect great dishonour on the Company.*"

VII.

That in answer to the decent and humble representation aforesaid of the Nabob of Oude, the allegations of which, so far as they relate to the distressed state of the Nabob's finances, and his total inability to discharge the demands made on him, were confirmed by the testimony of the English Resident at Oude, and which the said Hastings did not deny in the whole or in any part thereof, he, the said Warren Hastings, did, on pretence of certain political dangers, declare the relief desired to be " without hesitation *totally* inadmissible;" and did falsely and maliciously insinuate, " that " the *tone*, in which the demands of the Nabob " were asserted, and the season, in which they were " made, did give cause for *the most alarming sus-* " *picions.*" And the said Warren Hastings did, in a letter to the Nabob aforesaid, written in haughty and insolent language, and without taking any notice of the distresses of the said Nabob, alleged and verified as before recited, " require " and insist upon your [the Nabob's] granting " Tuncaws [assignments] for the full amount of " their [the Company's] demands upon you for " the current year, and on your reserving funds " sufficient to answer them, *even should the defi-*

" *ciencies*

" *ciencies of your revenues compel you to leave your* " *own troops unprovided for, or to disband a part* " *of them, to enable you to effect it.*"

VIII.

That in a letter written at the same time to the Resident Purling, and intended for his directions in enforcing on the Nabob the unjust demands aforesaid, the said Warren Hastings hath asserted, in direct contradiction to the treaties subsisting between the said Nabob and the Company, " that " he [the Nabob] stands engaged to our Govern- " ment to maintain the English armies, which, at " his own request, have been formed for the pro- " tection of his dominions; and *that it is our* " *part, and not his, to judge and determine in what* " *manner and at what time these shall be reduced* " *and withdrawn.*" And in a Minute of Consultation, when the aforesaid measure was proposed by the said Hastings to the Supreme Council, he did affirm and maintain, that the troops aforesaid " had now no *separate* or distinct existence from " ours, and may be properly said to consist of our " *whole* military establishment, with the exception " only of our European infantry; and that they " could not be withdrawn without imposing on the " Company *the additional burthen of them*, or dis- " banding nine battalions of disciplined Sepoys, " and three regiments of horse."

IX. That

IX.

That in the Minute of Consultation aforesaid he [the said Warren Hastings] hath further, in justification of the violent and arbitrary proceedings aforesaid, asserted, "that the arrangement of measures between the British Government and their allies, the Native Powers of India, must, in case of disagreement about the necessity thereof, "*be decided by the strongest*;" and hath thereby advanced a dangerous and most indecently-expressed position, subversive of the rights of allies, and tending to breed war and confusion, instead of cordiality and co-operation amongst them, and to destroy all confidence of the princes of India in the faith and justice of the English nation; and the said Hastings having further, in the Minute aforesaid, presumed to threaten to "bring to punishment, if "my influence [his the said Hastings's influence] "can produce that effect, *those incendiaries*, who "have endeavoured to make themselves the instruments of division between us," hath, as far as in him lay, obstructed the performance of one of the most essential duties of a prince, engaged in an unequal alliance with a presiding state—that of representing the grievances of his subjects to that more powerful state, by whose acts they suffer; leaving thereby the governing power in total ignorance of the effects of its own measures, and to the

oppressed people no other choice than the alternative of an unqualified submission, or a resistance productive of consequences more fatal.

X.

That all relief being denied to the Nabob, in the manner and on the grounds aforesaid, the demands of the Company on the said Nabob in the year following, that is to say, in the year 1780, did amount to the enormous sum of £. 1,400,000 sterling, and the distress of the province did rapidly increase.

XI.

That the Nabob, on the 24th of February of the same year, did again write to the Governour-General, the said Warren Hastings, a letter, in which he expressed his constant friendship to the Company, and his submission and obedience to their orders; and asserting, that he had not troubled them with any of his difficulties, trusting they would learn them from other quarters, and that he should be relieved by their friendship: "but (he says) when "the *knife had penetrated to the bone*, and I was "surrounded with such heavy distresses, that I "could no longer live in expectations, I then wrote "an account of my difficulties. The answer I have "received to it is such, that it has given me inex-"pressible grief and affliction. I never had the "least idea or expectation from you and the

" Council, that you would have given your orders " in *so afflicting a manner, in which you never be-* " *fore wrote, and I could never have imagined.* I " have delivered up all my *private* papers to him " [the Resident] that after examining my receipts " and expenses, he may take whatever remains. " That as I know it to be my duty to satify you " [the Company and Council] I have not failed to " obey in any instance; but requested of him, that " it might be done so as not to distress me in my " *necessary* expenses. There being no other funds " but those for the expenses of my Mutseddies " [clerks and accountants] household expenses, " and servants, &c. be demanded these in such a " manner, that being remediless I was obliged to " comply with what he required. He has accord- " ingly stopped *the pensions of my old servants for* " 30 *years, whether Sepoys* [*soldiers*] *Mutseddies* " [*secretaries and accountants*] *or household ser-* " *vants, and the expenses of my family and kitchen,* " *together with the Jaghires of my grandmother,* " *mother, and aunts, and of my brothers and depen-* " *dants, which were for their support.*"

XII.

That in answer to the letter aforesaid the Resident received from the said Warren Hastings and Council an order to persevere in the demand to its

fullest extent, that is to say, to the amount of £. 1,400,000 sterling.

XIII.

That on the 15th of May the Nabob replied, complaining in an humble and suppliant manner of his distressed situation, that he had at first opposed the assigning to the use of the Company the estates of his mother, of his grandmother, of one of his uncles, and of the sons of another; but that, in obedience to the injunctions of the gentlemen of the Council, it had been done to the amount, on the whole, of £. 80,000 sterling a year, or thereabouts; that whatever effects were in the country, with even his table, his animals, and the salaries of his servants, were granted in assignments; that besides these, if they were resolved again to compel him to give up the estates of his parents and relations, which were granted them for their maintenance, they were at the Company's disposal; saying, "if "the Council have directed you to attach them, "do it; in the country no further sources remain. "I have no means; for I have not a subsistence. "—How long shall I dwell upon my misfortunes?"

XIV.

That the truth of the said remonstrances was not disputed, nor the *tone*, in which they were written, complained

complained of, the same being submissive, and even abject, though the cause (his distresses) was by the said Hastings, in a great degree, and in terms the most offensive, attributed to the Nabob himself; but no relief was given, and the same unwarrantable establishments, maintained at the same ruinous expense, were kept up.

XV.

That the said Warren Hastings having considered as incendiaries those, who advised the remonstrances aforesaid, and, to prevent the same in future, having denounced vengeance on those concerned therein, did, for the purpose of keeping in his own power all representations of the state of the Court and Country aforesaid, and to subject both the one and the other to his own arbitrary will, and to draw to himself and to his creatures the management of the Nabob's revenues, in defiance of the orders of the Court of Directors, a second time recall Mr. Bristow, the Company's Resident, from the Court of Oude; ha before recalled him, as the said Direct express themselves, "without the shadow o charge being exhibited "against him;" and having, on the occasion and ime now stated, produced no specifick charge gainst the said Resident;—and he the said Hastngs did appoint Nathaniel Middleton, Esquire, ucceed him, it being his declared principle,

he must have a person of *his own* confidence in that situation.

XVI.

That the said Warren Hastings, after he had refused all relief to the distresses of the Nabob in the manner aforesaid, and had described those, who advised the representation of the grievances of Oude, as *incendiaries*, did himself, in a Minute of the 21st May 1781, describe that province "as "fallen into a state of great disorder and confu- "sion, and its resources in an extraordinary de- "gree diminished;" and did state, that his presence in the said province was requested by the Nabob; and that unless some effectual measures were taken for his relief, he [the Nabob] must be under the necessity of leaving his country, and coming down to Calcutta, to represent the situation of his government. And Mr. Wheler did declare, that the Governour-General's representation of the state of that province "was but too well founded; "and was convinced, that it would require his ut- "most abilities and powers, applied and exercised "on the spot, to restore it to its former good order "and affluence."

XVII.

That the said Warren Hastings, in consequence of the Minute aforesaid, did grant to himself, and did procure the consent of his only colleague, Edward Wheler, Esquire, to a commission or delegation,

legation, with powers " to assist the Nabob Vizier " in forming such regulations as may be necessary " for the peace and good order of his government, " the improvement of his revenue, and the adjust- " ment of the mutual concerns subsisting between " him and the Company."—And in the said commission or delegation he, the said Warren Hastings, did cause to be inserted certain powers and provisions of a new and dangerous nature; (that is to say) reciting the business before mentioned, he did convey to himself " such authority to enforce the " same, *as the Governour-General and Council* " *might or could exercise on occasions, in which they* " *could be warranted to exercise the same*; and to " form and conclude such several engagements or " treaties with the Nabob Vizier, the Government " of Barar, and with any chiefs or powers of Hin- " dostan, as *he* should judge expedient and neces- " sary." Towards the conclusion of the act or instrument aforesaid are the words following; viz. " it is hereby declared, that all such acts, and all " such engagements or treaties aforesaid, shall be " binding on the Governour-General and Council " in the same manner, *and as effectually, as if they* " *had been done and passed by the specifick and im-* " *mediate concurrence and actual junction of the* " *Governour-General and C , Council as-* " *sembled.*" And the said pr , by said Warren Hastings, given by

said Wheler, under the seal of the Company, on the 3d July 1781.

XVIII.

That the said commission, delegating to him, the said Warren Hastings, the whole functions of the Council, is destructive to the constitution thereof; and is contrary to the Company's standing orders; and is illegal.

XIX.

That in virtue of those powers, and the illegal delegation aforesaid, the said Warren Hastings, after he had finished his business at Benares, did procure a meeting with the Nabob of Oude at a place called Chunar, upon the confines of the country of Benares, and did there enter into a treaty, or pretended treaty, with the said Nabob; one part of which the said Warren Hastings did pretend was drawn up from a series of requisitions presented to him by the Nabob, but which requisitions, or any copy thereof, or of any other material document relative thereto, he did not at the time transmit to the Presidency; the said Warren Hastings informing Mr. Wheler, that the Resident, Middleton, had taken the *authentick* papers relative to this transaction with him to Lucknow; and it does not appear, that the said Warren Hastings did ever reclaim the said papers, in order to record them at the Presidency, to be transmitted to the Court of Directors, as it was his duty to do.

XX. That

XX.

That the purport of certain articles of the said treaty, on the part of the Company, was, that in consideration of the Nabob's *inability* (which inability the preamble of the treaty asserts to have been "repeatedly and urgently represented") to support the expenses of the temporary brigade, and of three regiments of cavalry, and also of the British officers, with their battalions, and of *other* gentlemen, who were then paid by him, the several corps aforesaid, and the other gentlemen (with the exception of the Resident's office, *then on the Nabob's list*, and a regiment of Sepoys for the Resident's guard) should, after a term of two and a half months, be no longer at his [the Nabob's] charge.—"The true meaning of this being, that "no more troops than one brigade, and the pay "and allowances of a regiment of Sepoys" (as aforesaid to the Resident) amounting in the whole to £. 342,000 a year, should be paid by the Nabob. And that *no officers, troops, or others, should be put upon the Nabob's establishment*, exclusive of those in the said treaty stipulated.

XXI.

That the said Warren Hastings did defend and justify the said articles, in which the tr
said were to be removed from the N

blishment, by declaring as follows: "that the "*actual* disbursements to those troops had fallen "upon *our own funds*, and that *we* support a body "of troops, established *solely* for the defence of "the Nabob's possessions, *at our own expense*. It "is true, we charge the Nabob with this expense; "but the large balance already due from him "shows too justly the little prospect there was of "disengaging ourselves *from a burthen*, which was "daily adding to *our* distresses, and must soon "become *insupportable*, although it were granted, "that the Nabob's debt, then suffered to accumu- "late, *might at some future period be liquidated*; "and that this measure would substantially effect "an instant relief to the pecuniary distresses of the "Company."

XXII.

That Nathaniel Middleton, the Resident, did also declare, that he would at all times testify, "that "upon the plan of the foregoing years the receipts "from the Nabob were only a *deception*, and *not* "*an advantage*, but *an injury* to the Company;" and "that a remission to the Nabob of this *insuf-* "*ferable burthen* was a *profit* to the Company." And the said Hastings did assert, that the force of the Company was not lessened by withdrawing the temporary troops; although (when it suited the purpose of the said Hastings, in denying just relief to the distresses of the said Nabob of Oude) he had not

not scrupled to assert the direct contrary of the positions by him maintained in justification of the treaty of Chunar, having in his Minute aforesaid, of the 15th of December 1779, asserted, "that "these troops" [the troops maintained by the Nabob of Oude] "had no *separate or distinct existence*, "and may be properly said to consist of our whole "military establishment, with the exception only "of our European infantry; and that they could "not be *withdrawn, without imposing on the Com-* "*pany the additional burthen of their expense*, or "disbanding nine battalions of disciplined Sepoys, "and three regiments of horse."

XXIII.

That he, the said Warren Hastings, in justification of his agreement to withdraw the troops aforesaid from the territories and pay of the Nabob of Oude, did further declare, "that he had been too "much accustomed to the tales of hostile prepara- "tion, and impending invasions, against all the "evidence of political probability, to regard them "as any other than phantoms, raised for the pur- "pose of perpetuating or multiplying commands;" and he did trust "all ideas of danger from the "neighbouring Powers were altogether visionary; "and that, even if they had been better founded, "this mode of anticipating possible evils would "be more mischievous than any thing they had

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" reason to apprehend," and that the internal state of the Nabob's dominions did not require the continuance of the said troops; and that the Nabob, " *whose concern it was, and not ours,*" did affirm the same, notwithstanding he the said Hastings had before, in answer to the humble supplications of the Nabob, asserted, that " *it was our part, and* " *not his,* to judge and determine in what manner, " and at what time, they should be reduced or " withdrawn."

XXIV.

That the said Warren Hastings, in support of his measure of withdrawing the said brigade, and other troops, did also represent, that " the remote stations " of those troops, placing the commanding officers " beyond the notice and control of the Board, af- " forded too much opportunity and temptation for " unwarrantable emoluments, and excited the *con-* " *tagion of peculation and rapacity throughout the* " *whole army;* and as an instance thereof, that a " Court Martial, composed of officers of rank and " respectable characters, unanimously and honour- " ably, ' most honourably,' acquitted an officer " upon an acknowledged fact, which in times of " stricter discipline would have been deemed a " crime deserving the severest punishment."

XXV.

That the said Warren Hastings having in the letter

r aforesaid contradicted all the grounds and ɔns by him assigned for keeping up the afore- establishment, and having declared his own iction, that the whole was a fallacy and impo- n, and a detriment to the Company instead of nefit, circumstances (if they are true) which he ıt and ought to have well known, was guilty n high crime and misdemeanor in carrying on mposture and delusion aforesaid, and in conti- g an insupportable burthen and grievance upon Nabob for several years, without attending to epeated supplications to be relieved therefrom, ıe utter ruin of his country, and to the destruc- of the discipline of the British troops, by dif- ıg among them a general spirit of peculation; the said Hastings hath committed a grievous ıce in upholding the same pernicious system, by his own confession and declaration in his ıte of the 21st of May 1781, "the evils had *own* to so great an height, that exertions will be quired more powerful than can be made through ıe delegated authority of the servants of the ompany now in the province; and that he was r from sanguine in his expectations, that *even s own endeavours would be attended with uch success.*"

XXVI.

hat at the time of making the said treaty, and e time when, under colour of the distress of the Nabob

Nabob of Oude, and the failure of all other means for his relief, he the said Hastings broke the Company's faith with the parents of the Nabob, and first encouraged, and afterwards compelled, him to despoil them of their landed-estates, money, jewels, and household goods, and while the said Nabob continued heavily in debt to the Company, he the said Warren Hastings did, "*without hesitation*," accept of and receive from the Nabob of Oude, and his ministers (who are notoriously known to be not only under his influence, but under his absolute command) a bribe, or unlawful gift or present, of one hundred thousand pounds sterling, and upwards: that even if the said pretended gift could be supposed to be voluntary, it was contrary to the express provision of the Regulating Act of the 13th year of His Majesty's reign, prohibiting the receipt of all presents upon any pretence whatsoever, and contrary to his own sense of the true intent and meaning of the said Act, declared upon a similar but not so strong a case; that is, where the service done, and the present offered in return for it, had taken place before the promulgation of the above laws in India; on that occasion he declared, "that "the exclusion by an Act of Parliament *admitted* "*of no abatement or evasion*, wherever its autho- "rity extended."

XXVII.

That the said Warren Hastings, confiding in an interest,

interest, which he supposed himself to have formed in the East-India House, did endeavour to prevail on the Court of Directors to violate the said Act, and to suffer him to appropriate the money so illegally accepted by him to his own profit, as a reward for his services.

XXVIII.

That the said Warren Hastings has since declared to the Court of Directors, that when *fortune threw a sum in his way* (meaning the sum of money above mentioned) *of a magnitude, which could not be concealed, he chose to apprize his employers of it*; thereby confessing, that, but for the magnitude of the same rendering it difficult to be concealed, he never would have discovered it to them. And the said unlawful present being received at the time when, for reasons directly contradictory to all his former recorded declarations, he did agree to remove the aforesaid troops from the Nabob's dominions, and to recall the pensioners aforesaid, it must be presumed, that he did not agree to give the relief (which he had before so obstinately refused) upon the grounds and motives of justice, policy, or humanity, but in consideration of the sum of money aforesaid, which in a time of such extreme distress in the Nabob's affairs could not be rationally given, except for those and other concessions stipulated for

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for in the said treaty, but which had on former occasions been refused.

XXIX.

That notwithstanding his, the said Warren Hastings's receipt of the present of £. 100,000 as aforesaid, he did violate every one of the stipulations in the said treaty contained; and particularly he did continue in the country, and in the service of the Nabob of Oude, those troops, which he had so recently stipulated to withdraw from his country, and to take from his establishment; for, upon the 24th of December following, he did order the temporary brigade, making 10 battalions of 500 men each, to be again put on the Vizier's list; although he had recently informed the Court of Directors, through Edward Wheler, Esquire, that any benefit to be derived from the Nabob's paying that brigade was a *fallacy and a deception*, and that the same was a *charge* upon the Company, and not an *alleviation of its distresses*, as well as an *insupportable burthen* to the Nabob; thus having, within a short space of time, twice contradicted himself, both in declaration and in conduct.

XXX.

That this measure, in direct violation of a treaty of not three months duration, was so injudicious, that,

that, in the opinion of the assistant Resident, Johnson, "nothing less than blows could effect it:" he the said Resident further adding, "that the Nabob "was not even able to pay off the arrears still due "to it [the new brigade]; and that the troops "being *all* in arrears, and no possibility of present "payment, so large a body assembled here [viz. "at Lucknow] without any means to check and "control them, nothing but disorder could follow. "As one proof, that the Nabob is as badly off for "funds as we are, I may inform you, that his "cavalry rose this day upon him, and went all "armed to the palace, to demand from 13 to 18 "months arrears, and were with great difficulty "persuaded to retire, which was probably more "effected by a body of troops getting under arms "to go against them, than any other considera-"tion." But the letter of Warren Hastings, Esquire, of the 24th of December, giving the above orders for the infraction of the treaty, and to which the letter, from whence the foregoing extracts are taken, is an answer, doth not appear, any otherwise than as the same is recited in the said answer.

XXXI.

That, notwithstanding the disorders and deficiencies in the revenue aforesaid had continued and increased, and that three very large balances had accumulated, the said Warren Hastings did cause

the treasury accounts at Calcutta to be examined and scrutinized, and an account of another arrear, composed of various articles, pretended to have accumulated during seven years previous to the year 1799 (the articles composing which, if they had been just, ought to have been charged at the times they severally became due) was sent to the Resident, and payment thereof demanded, to the amount of £. 260,000 sterling; which unexpected demand, in so distressed a situation, did not a little embarrass the Nabob. But whilst he and his ministers were examining into the said unexpected demand, another, and fifth balance, made up of similar forgotten articles, was demanded to the amount of £. 140,000 sterling more. Which said two last demands did so terrify and confound the Nabob and his ministers, that they declared, that the Resident "might at once take the country, "since justice was out of the question."

XXXII.

That the said Hastings, in order to add to the confusion, perplexity, and distress of the Nabob's affairs, did send to his Court (in which he had already a Resident and an assistant Resident) two secret agents, Major Palmer and Major Davy, and did instruct Major Palmer to make a variety of new claims, one of a loan to the Company of £. 600,000 sterling, although he well knew the Nabob was himself

himself heavily in arrear to the Company, and was utterly unable to discharge the same, as well as in arrear to his own troops, and to many individuals, and that he borrowed (when he could at all borrow) at an interest of near thirty per cent. To this demand was added a new bribe, or unlawful present to himself, to the amount of £. 100,000 sterling, which he did not refuse as unlawful, and of evil example, but as *indelicate* in the Nabob's present situation; and did, as if the same was his own property, presume to dispose of it, and to desire the transfer of it, as of his own bounty, to the Company his masters. To this second demand he the said Hastings added a third demand of £. 120,000 sterling, for four additional regiments on the Nabob's list, after he had solemnly engaged to take off the ten, with which it had been burthened; the whole of the claims through his private agent aforesaid making the sum of £. 820,000 sterling.

XXXIII.

That the demands, claims, &c. made by the said Warren Hastings upon the Government of Oude in that year, amounted to the enormous sum of £. 2,530,000 sterling, and being joined to the arrears to troops, and some internal failures, amounting to £. 255,000 sterling more, the whole charge arose to £. 2,785,000 sterling; which was considerably more than double the net produce of the

Nabob's Revenue, the same only amounting to £. 1,450,000 "nominal revenue, never completely "realized."

XXXIV.

That towards providing for these extravagant demands, he the said Warren Hastings did direct and authorize another breach of the publick faith, given in the treaty of Chunar. For whereas by the second article of the treaty aforesaid it was left to the Nabob's discretion, whether or not he should resume the landed estates, called Jaghires, within his dominions; and notwithstanding the said Hastings, in defence of the said article, did declare, that the Nabob should be left to the exercise of his own authority and pleasure respecting them, yet he the said Hastings did authorize a violent compulsion to be used towards the said Nabob for accomplishing an universal confiscation of that species of landed property; and in so doing he did also compel the Nabob to break his faith with all the landholders of that description, not only in violating the assurance of his own original grants, but his assurance recently given, when, being pressed by the Company, he [the Nabob] had made a temporary seizure of the profits of the lands aforesaid, in the manner of a compulsory loan, for the re-payment of which he gave his bonds and obligations; and although he had at the same time solemnly pledged his faith, that he never would

again

again resort to the like oppressive measure, yet he the said Warren Hastings did cause him to be compelled to confiscate the estates of at least sixty-seven of the principal persons of his country, comprehending therein his own nearest relations, and the ancient friends and dependants of his family; the annual value of the said estates thus confiscated amounting to £. 435,000 sterling, or thereabouts, upon an old valuation, but stated by the Resident Middleton as being found to yield considerably more.

XXXV.

That the violent and unjust measure aforesaid, subversive of property, utterly destructive of several ancient and considerable families, and most dishonourable to the British Government, did produce an universal discontent, and the greatest confusion throughout the whole country; the said confiscated lands being on this occasion put to rack-rents, and the people grievously oppressed. And to prevent a possibility of redress, at least for a considerable time, the said confiscated estates were mortgaged (it appearing otherwise impracticable to make an approach towards satisfying the exorbitant demands of the said Hastings) for a great sum to certain usurious bankers or money-dealers at Benares.

XXXVI.

That besides these enormous demands, which

were in part made for the support of several corps of troops under British officers, which by the treaty of Chunar ought to have been removed, very large extra charges, not belonging to the military list of the said Nabob, and several civil-charges and pensions were continued, and others newly put on, since the treaty of Chunar, namely, an allowance to Sir Eyre Coote of 15,554 rupees per month, (being upwards of £. 18,664 sterling a year) and an allowance to Trevor Wheler, Esquire, of 5,000 rupees per month (or £. 6,000 sterling, and upwards, a year), and the whole of the settled charges, not of a military nature, to British subjects, amounting to little less than £. 140,000 yearly; and if other allowances, not included in the estimate, were added, they would greatly exceed that sum, besides much more, which may justly be suspected to have been paid, no part whereof had at that time been brought forward to any publick account.

XXXVII.

That the commander of one of these corps, of whose burthen the said Nabob did complain, was Lieut-Colonel Alexander Hannay, who did farm the revenues of certain districts called Baraitch and Gorachpore, which the said Hastings, in the ninth article of his instructions to Mr. Bristow, did estimate at 23 lacks of rupees, or £. 230,000 per annum; but under his, the said Hannay's,

management the collections did very greatly decline; complaints were made, that the countries aforesaid were harassed and oppressed, and the same did fall into confusion—and, at last, the inhabitants broke out into a general rebellion.

XXXVIII.

That the far greater part of the said heavy list was authorized or ordered by him the said Warren Hastings for the purpose of extending his own corrupt influence. For it doth appear, that at the time when he did pretend, in conformity to the treaty of Chunar aforesaid, to remove the Company's servants, "*civil* and military, from the "Court and Service of the Vizier," he did assert, that he thereby did "diminish his *own influence*, "as well as that of his colleagues, by narrowing "the line of *patronage*;" which proves, that the offices, pensions, and other emoluments aforesaid, in Oude, were of *his* patronage, as his patronage could not be diminished by taking away the said offices, &c. unless the same had been substantially of his gift; and he did, at the time of the pretended reformation aforesaid, express both his knowledge of the existence of the said excessive and abusive establishments, and his sense of his duty in taking them away; for in agreeing to the article in the treaty of Chunar for abolishing the said establishments, he did declare himself

" actuated solely by motives of *justice* to the " Nabob, and a regard to the *honour of our na-* " *tional character*;" and, according to his own representation, the said servants of the Company, civil and military, " by their numbers, their influ- " ence, and the *enormous amount* of their salaries, " pensions, and emoluments, were an *intolerable* " burthen on the revenues and authority of the " Vizier; and exposed us to the *envy and resent-* " *ment of the whole country*, by excluding the " native servants and adherents of the Vizier from " the rewards of their services and attachment."

XXXIX.

That the Revenue of the country being anticipated, mortgaged, and dilapidated by the counsel, concurrence, connivance and influence, and often by the direct order of the said Warren Hastings, the whole civil Government, magistracy, and administration of justice, gradually declined, and at length totally ceased through the whole of the vast provinces, which compose the territory of Oude; and no power was visible therein but that of the Farmers of the Revenue, attended by bodies of troops to enforce the collections; insomuch that robberies, assassinations, and acts of every description of outrage and violence were perpetrated with impunity; and even in the capital city of Lucknow, the seat of the sovereign power, there

was

was no court of justice whatever to take cognizance of such offences.

XL.

That the said Warren Hastings, when he did interfere in the government of Oude, was obliged by his duty to interfere for the good purposes of government, and not merely for the purpose of extorting money therefrom, and enriching his own dependents, which latter purpose alone he did effect in the manner before mentioned, but not one of the former. For the said Hastings, having procured the extraordinary powers given by and to himself by his delegation of the 3d of July 1781, did declare the same to be for the purpose, among many others, " of assisting the Nabob Vizier in " forming such regulations as may be necessary " for the peace and good order of his government " and the improvement of his revenue." And in consequence of the said powers the said Warren Hastings did, in the treaty of Chunar, obtain an article from the Nabob, by which the said Nabob did promise to attend to his advice in the reformation of his civil administration; and he did give certain instructions to the Resident Middleton, to which he did require him to yield *the most implicit obedience*; and did in one article thereof direct him to urge the Nabob to endeavour gradually, if it could not be done at once, to establish Courts of

of Adawlet, [Justice] and that the Darogas [chief criminal magistrates] Moulabies [consulting or assistant lawyers] and other officers should be selected by the ministers with his, the Resident's, concurrence: and afterwards, in his instructions to the Resident Bristow, desiring him to pursue the same object, he declared his opinion, "that "the want of such courts, and the extreme licentiousness occasioned thereby, is one of the most "disreputable defects in his Highness the Nabob's "Government. And that while they do not exist, "every man knows the hazard, which he incurs "in lending his money." But he did give him the said Resident no positive instruction concerning the same, supposing the establishment of such courts a matter of difficulty; and did therefore leave him a latitude in his proceedings therein.

XLI.

That the said Resident Bristow did, however, in conformity to the said instructions, at last given with such latitude, endeavour to prevail on the said minister gradually to introduce Courts of Justice for the cognizance of crimes, by beginning to establish a criminal court under a native judge, to judge according to the Mahomedan law in the city of Lucknow. But Hyder Beg Khân, a minister of the said Warren Hastings's nomination, and solely dependant upon him, did elude and obstruct,

obstruct, and in the end totally defeat, the establishment of the same.

XLII.

That the obstruction aforesaid, and the evil consequences thereof, were duly represented to the said Hastings; and though the said Hastings had made it the fourth article of a criminal charge against the Resident Middleton, "that he did not "report to the Governour-General, or to the "Board, the progress, which he had made from "time to time in his endeavours to comply with "his instructions; and that, if he met with any "impediments in the execution of them, he had "omitted to state those impediments, and to apply "for fresh orders upon them;"—yet he the said Hastings did give no manner of support to the Resident Bristow against the said Hyder Beg Khân, and did not even answer several of his letters, the said Bristow's letters, stating the said impediments, or take any notice of his remonstrances; but did at length revoke his own instructions, declaring, that he, the said Resident, should not presume to act upon the same; and yet did not furnish him with any others, upon which he might act, but did uphold the said Hyder Beg Khân in the obstruction by him given to the performance of the first and fundamental duty of all Government; namely, the administration of justice,

justice, and the protection of the lives and property of the subject against wrong and violence.

XLIII.

That the said Hastings did afterwards proceed to the length of criminating the Resident Bristow aforesaid for his endeavours to establish the said necessary court, as an invasion of the rights of the Nabob's government; when, if the Nabob in his own proper person and character, and not the aforesaid Hyder Beg (who was a creature of the said Hastings) had opposed the re-establishment of justice in the said country, it was the duty of the said Hastings to have pressed the same upon him by every exertion of his influence. And the said Warren Hastings, in his pretended attention to the Nabob's authority, when exercised by his the said Hastings's minister to prevent the establishment of Courts of Justice for the protection of life and property, at the same time that he did not hesitate, in the case of the confiscation of the Jaghires, and the proceedings against the mother and grandmother of the Nabob, totally to supersede his authority, and to force his inclinations in acts, which overturned all the laws of property, and offered violence to all the sentiments of natural affection and duty; and accusing at the same time his instruments for not going to the utmost lengths

lengths in the execution of his said orders, is guilty of an high crime and misdemeanor.

XLIV.

That the said Hastings did highly aggravate his offence in discountenancing and discouraging the re-establishment of magistracy, law, and order, in the country of Oude, inasmuch as he did in the eighth article of his instructions to the Resident order him to exercise powers, which ought to have been exercised by lawful magistrates, and in a manner agreeable to law. And in the said article he did state the prevalence of rebellion in the said country of Oude, as if rebellion could exist in a country, in which there was no magistracy, and no protection for life or property, and in which the native authority had no force whatever; and in which he himself states the exercise of British authority to be an absolute usurpation: and he did accordingly direct a rigorous prosecution against the offence of rebellion under such circumstances, but "with a fair and impartial inquiry," when he did not permit the establishment of those courts of justice and magistracy, by which alone rebellion could be prevented, or a fair and impartial inquiry relative to the same could be had. And particularly he did instruct the said Resident to obtain the Nabob's order for employing some sure means for apprehending certain Zemindars, and

and particularly three, in the instruction named, whom he the said Hastings did cause to be apprehended upon what he calls good information, founded upon some facts, to which he asserts he has the testimony of several witnesses, "that they had the de-
" struction of Colonel Hannay, and the officers
" under his command, as their immediate object,
" and ultimately the extirpation of the English influ-
" ence and power throughout all the Nabob's domi-
" nions;" and that they did still persevere in their rebellious conduct without deviation, "though the
" Nabob's, and not our government, was then the
" object of it." And he did direct the said Resident, if it should appear, "*on a fair and regular*
" *inquiry*, that their conduct towards the Nabob
" had been such as it had been reported to be, to
" insist upon the Nabob's punishing them with
" *death*; and to treat with the same rigour every
" Zemindar, and every subject, who shall be the
" leader in a rebellion against his authority."

XLV.

That the crime of the said Hastings, in his procedure aforesaid, was further highly aggravated by his having received information of several striking circumstances, which strongly indicated the necessity of a regular magistracy and a legal judicature, from the total failure of justice, affecting not only the subjects at large, but even the reigning family itself;

itself; as also of the causes why no legal magistracy could exist, and why the princes of the reigning family were not only exposed to the attacks of assassins, but even to a want of the protection, which might be had from their servants and attendants, who were driven from their masters for want of that maintenance, which the princes their masters could not procure, even for themselves. And the circumstances aforesaid were detailed to him the said Hastings by the Resident Bristow, in a letter from Lucknow, dated the 29th January 1784, to the Governour-General the said Warren Hastings, and the Council of Bengal, in the terms following:

"The frequent robberies and murders, perpe-
"trated in his Excellency's, the Vizier's, dominions,
"have been *too often* the subject of my represen-
"tations to your Honourable Board. From the
"total want of police, hardly a day elapses but I
"am informed of some tragical event, whereof
"the bare recital is shocking to humanity. About
"two months since an attempt was made to as-
"sassinate Rajah Ticket Roy, the acting minister's
"confidential agent, but he happily escaped un-
"hurt. Nabob Behadre, *his Highness's brother*,
"has not been so fortunate, as will appear from
"translations of two of his letters to me, No. 1,
"which I have the honour to enclose for your
"information. Although my feelings are sensibly
"hurt,

" hurt, and my compassion strongly excited by " *the disgraceful and miserable state of poverty,* " *to which his Excellency's brothers are reduced,* " yet, situated as I am, it is not in my power to " interfere with effect. My efforts on a former " occasion failed of success, *and my interposition* " *now would only excite the resentment of the mi-* " *nister towards the unhappy sufferers, in conse-* " *quence of their application to me, from whom* " ALONE, *however, they hope for relief from their* " *present distress,* which, their near connexion " with the Vizier considered, is both shameful and " unprecedented. That no regular Courts of Jus- " tice have been established in this country is " particularly pointed at in my instructions, as the " most disreputable defect in his Highness's go- " vernment; yet the minister seems determined on " abolishing even the shadow of so necessary an " institution. The office of Chief Justice, as held " by Molovy Morobine, was ever nugatory, but " now it is sunk into the lowest contempt. The " original establishment, inadequate as it was, is " mouldering away, and the officers now attached " to it are literally starving, as no part of their " allowance has been paid for above six months " past. He himself has proposed to resign his " appointment, being every way precluded from a " possibility of exercising the duties of it."

XLVI. That

XLVI.

That it appears by the said letter, and the papers therewith transmitted, as well as other documents in the said correspondence, that in consequence of the distress brought upon the Nabob's finances, certain of the princes his brethren, the children of Sujah ul Dowla, the late sovereign of the country, were put upon pensions unsuitable to their birth and rank, and by the mismanagement of the minister aforesaid (appointed by the said Warren Hastings) for two years together no considerable part of the said inadequate pension was paid; and not being able to maintain the attendants necessary for their protection in a city, in which all magistracy and justice was abolished, they were not only liable to suffer the greatest extremities of penury, but their lives were exposed to the attempts of assassins. The condition of one of the said princes, called the Nabob Bahadur, is by himself strongly expressed in three letters to the said Resident Bristow, the first dated the 28th of December 1783; the second, the 7th of January 1784; and the third, the 15th of January 1784; which letters were duly transmitted in the dispatch of the 29th of the same month to Warren Hastings, Esquire, and are as follow:

"Your own servant carried you the account of "what he himself was an eye-witness to, after the

" affair of last night. These are the particu-
" lars:—about midnight my aunt received twelve
" wounds from a ruffian, of which she died. I
" also received six successive stabs, which alarmed
" the people of the house, who set up a shouting;
" whereupon the assassin run off. Besides being
" *without food, or the means of providing any,*
" this misfortune has befallen me. *I am desirous*
" *of sending the coffin to your door.* It is your
" duty, both for the sake of God and of Christ, to
" execute justice, and to inquire what harm I have
" done to the murderer sufficient to deserve assas-
" sination, or even injury. *You now stand in the*
" *place of his Excellency the Vizier.* I request you
" will do me justice. What more can I say?

P. S. " I am also desirous to show you my
" wounds."

From the same, 29th January 1784.

" You have been duly informed of all the
" circumstances relative both to the murder of the
" innocent, and of my being wounded, as well by
" my former letter, as by the messenger, whom
" you sent to inquire into the state of my health;
" and I have every reason to hope from your
" known kindness, that you will not be deficient in
" seeking out the assassin. *I am at this moment*
" *overwhelmed in misfortune. Whilst the blood is*
" *flowing from my wounds, neither I, nor my*
" *children,*

" *children, nor my servants, have wherewithal to* " *procure subsistence*; nor have I it in my power " either to purchase remedies, or to reward the " physician—*'tis for the sake of God alone, that* " *he attends me.* Thus loaded with calamity upon " calamity, I am unable to support life, for I find " no relief from any affliction either day or night. " Do you now stand in the place of my father; " grant me fresh life by speedy acts of benevo- " lence.

" For these two last years his Excellency esta- " blished a pension for me of twenty thousand " rupees; but I never received the full amount of " it, either last year or the year before. Should " it, however, be paid me, though inadequate to " my desires, I shall still be enabled to support " myself. From the beginning of this year to the " present time I have not received a farthing, nor " do I expect any, though, if you afford protection " to the oppressed, all my wishes will be accomplish- " ed. I was desirous of waiting on you with my " family, that you might be an eye-witness to their " condition; but I was advised not to stir out on " account of my wounds. What more can I say?"

The following Extracts are made from the third letter from the same Prince; dated January 15, 1784.

" The particulars of the late and unforeseen

" misfortune, with which I have been overwhelmed,
" are not unknown unto you; that the innocent
" blood of my aunt, *the prop and ruler of my*
" *family*, was shed, and in the same manner I too
" was wounded. Until now I feel the pain and
" affliction of my wounds; and *no person has re-*
" *garded my solicitations for redress, sought after*
" *the assassin, and brought him to condign punish-*
" *ment, yourself excepted.*"—" In like manner, as
" the honourable Governour-General has adopted
" my brother Saadut Ally Cawn for his son, and
" relieved him from the vexation, affliction, and
" dependence of this place, would it be extraordi-
" nary, that you also should, in your bounty and
" favour, consent to adopt me, who do not possess
" the necessaries of life, and permit me to attend
" you to whatever part of the world you may
" travel, whereby I shall at all times derive ho-
" nour and advantage? Formerly, us three brothers,
" Saadut Ally, Myrza Jungly, and I, the poor and
" oppressed, were, in the presence of our blessed
" father, whose soul rests in heaven, treated alike.
" Now the ministers of this Government put me
" upon a footing with our younger brothers, who
" have lately left the Zenana, and whose expenses
" are small. On this scale, which is in every
" respect insufficient for my maintenance, they pay
" *the pitiful allowance only when it is their plea-*
" *sure to do it.* My situation has for years past

" been

" been increasing in wretchedness to a degree,
" that *I am in want of daily bread, and my ser-*
" *vants and animals are dying of hunger. My*
" *distresses are so great, that I have not been able*
" *to pay a dasm to the surgeons for the cure of*
" *my wounds; and they too are discouraged from*
" *affording me their assistance, or furnishing me*
" *with medicines.* How then is it possible for me
" to exist? Considering you as my patron, par-
" ticipating in my afflictions, I have represented
" the circumstances concerning my situation; and
" I hope from your friendship, that you will
" honour me with a favourable answer."

XLVII.

The Resident Bristow did also receive a strong application from three others of the brethren of the reigning sovereign, called Mirza Hyder Ali, Mirza Ennayut Ali, and Mirza Syef Ali, representing their very pitiable case, in a letter of the 9th of March 1783, in which, among other particulars, are contained the following:

" Our situation is not fit to be represented.
" *For two years we have not received a hulbha on*
" account of our tuncaw [assignment on the
" Revenue], though the ministers have annually
" charged a lack of rupees, and never paid us
" any thing. *After all, we are the sons of Suja*
" *ul Dowla!* It is surprising, having such a friend

" as you, our situation is arrived at that pass, that " we should be in distress for *dry bread and* " *clothes.* Whereas you have done many gene- " rous acts, be pleased so to show us your favour, " that by some means we may receive our allow- " ances from the Company's treasury, and not " be obliged to depend upon, and solicit, others " for it."

XLVIII.

That one of the princes aforesaid, called the Mirza Jungly, about the beginning of the year 1783, was obliged to fly from the dominions of the Nabob of Oude, and to leave his country and connexions; and as the Resident Bristow, writing from Lucknow, hath observed, " he went to try " his fortune at other Courts, in preference to " starving at home, which might have been his " fate by all accounts at this place." And the said prince sought for succour at the Court of one of the neighbouring Mahomedan princes; but conceiving some disgust at the treatment he met with there, he departed from thence, and on the 8th of February 1783 arrived at the Mahratta camp, while David Anderson, Esquire, was there in the character of minister plenipotentiary to the Company, with a view, if his reception there should not prove answerable to his wishes, to pass on to the southward. And the said Anderson, probably considering this event as of very great importance to the

the honour of the British Government, as well as to its interests, on the one hand, by exhibiting the son and brother of a sovereign prince, from whom the Company had received many millions of money, a fugitive from his country, and a wanderer for bread through the Courts of India; and on the other the consequences, which might arise from the Mahrattas having in their possession, and under their influence, a son of the late Nabob of Oude, did without delay advise Warren Hastings, Esquire, of the event aforesaid; and he did also write to Mr. Bristow, the Resident at the Court of the Nabob Vizier, several letters of the 9th and 20th of February, and of the 6th of March and 6th of April 1783, in order that some steps should be taken for his return, and establishment in his own country. And the said Anderson did inform the Resident Bristow, in his letter aforesaid, that on the arrival of the fugitive prince, brother of the reigning sovereign of Oude, at the Mahratta camp, he did cause his tent to be pitched close to that of Mr. Anderson; but finding this not agreeable to the Mahratta General, Scindia, he afterwards removed: and that he showed a strong attachment to the English, and was inclined to throw himself upon their generosity; that desirous of going to Calcutta, and declared, t if he, the said Anderson, "would give him "encouragement, he would quit all ",

" and come alone, and would take up his resi-
" dence under his protection." And the said Anderson did declare, that he thought it " would " be policy, and much to the credit of our Go-" vernment, that some provision should be made " for Mirza Jungly in our territories."

XLIX.

That the said Bristow did represent the aforesaid circumstances to Hyder Beg Cawn, minister to the Nabob of Oude, declaring it his opinion, " that his highness's brothers thus taking refuge " with a foreign prince is a reflection upon the " Vizier, and it would be advisable, that an allow-" ance should be granted to him upon the footing " of his brothers, that he might remain in the " presence." But the Nabob was induced to refuse to his brother any offer of any allowance beyond the two hundred pounds per month, allowed, but not paid, to his other brothers; and which the said prince did observe to Mr. Anderson, " that " it was not only inadequate to his expenses, but " infinitely less (as the truth was) than what his " Excellency has settled on many persons of in-" feriour rank, who have not so good a claim to " his support; and that it would not be sufficient " to enable him to live at Lucknow, where all " his friends and relations were, and so many of " his inferiours lived in a state of affluence." In

case,

case, therefore, it could not be increased, he requested leave to live in the Company's provinces, or at Calcutta, for that in any of these situations "he could with less difficulty regulate his ex-"penses." And he did declare, that, if his request was granted to him, he would immediately quit all his prospects with Scindia. To these propositions he received a very discouraging answer from his brother's minister, containing a positive and final refusal of any increase of allowance, obtaining only the Nabob's permission to retire into the Company's provinces: but Mr. Anderson did not think himself authorized to take any steps for the prince's retreat into the said province without Scindia's concurrence, who, he observed, would use every art to detain him; and accordingly did offer him the command of a battalion of infantry to be paid directly from his own treasury, and £. 6,000 sterling a year for keeping up a corps of horse, and to settle upon him a landed estate of £. 4,000 a year as a provision for his wife and children; which honourable offers it appears he did accept, and did and doth remain in the Mahratta service.

L.

That during the whole course of this transaction the said Warren Hastings was duly advised thereof, first by a very early letter from the said Anderson, and afterwards by the Resident Bristow, who, on the

even of supercession, supposed by him to exist in the relation between the British Government and that of Oude, and accordingly he did, in his instructions to the Resident Middleton, to which he required his most implicit obedience, direct him to an interference in and control upon all the affairs concerning the revenues, the military arrangements, and all the other branches of the Nabob's Government.

LIII.

That upon his recall of the said Middleton, he, in his instructions to the Resident Bristow, dated 23d of October 1781, did at large set forth the situation of the Court and Government of Oude, the situation and character of the Nabob, of the acting minister, and of the British Resident at that Court; and did plainly, distinctly, and without reserve, describe the extent of the authority to be exercised by the last of these persons, as well as the unqualified compliance to be expected from the two former. And he did accordingly declare, that "*from the nature of our connexion with the* " *Government of Oude*, and from the Nabob's " incapacity, *a necessity will for ever exist*, while " we have the claim of a subsidy upon the re- " sources of his country, of exercising an influence, " and frequently substituting it *ENTIRELY, in* " *the place of an avowed and constitutional autho-* " *rity in the administration of his (the Nabob's)* " *Government*;"

" *Government*;" and he did further in the said instructions, namely, in Instruction the Fourth, direct the said Resident in the words following:— " I must have recourse to you for the introduction " of a *new system* in that Government; nor can I " omit, whilst I express my reliance on you for " that purpose, to repeat the sentiments, which I " expressed in the verbal instructions, which I " gave at your departure, *that there can be no* " *medium in the relation between the Resident and* " *the minister, but either the Resident must be the* " *slave and vassal of the minister, or the minister* " *at the absolute disposal of the Resident.*" And he the said Hastings did state, in the same article of the instructions aforesaid, that though the conduct of the said Hyder Beg Khân had been highly reprehensible, and that he was much displeased thereat, he would prefer him to any other, on account of his ability and knowledge of business, with the following proviso, " if he would " submit to hold his office on such conditions as " I require. He exists by his dependence on the " influence of our Government. It must be ad- " visable to try him by the mode of conciliation; " at the same time that in your *final conversation* " *with him* it will be necessary to declare to him, " in the *plainest terms*, the footing and condition, " on which he shall be *permitted* to retain his " place, with the alternative of a dismission, and a

" scrutiny

ment, namely, the limitation of the Nabob's personal expenses; the reduction of the Nabob's troops in number, and the change in arrangement; the appointment of proper collectors for the revenues; and the appointment of proper officers for all parts of the executive administration.

LVII.

That the first object, namely, that of the limitation of the Nabob's personal expenses, and separating them from the publick establishments, he the said Hastings did state as the first and fundamental part of his regulation, and that, upon which all the others would depend; and did declare, "that in order to prevent the Vizier's alli-"ance from being a clog instead of an aid to the "Company, *the most essential* part is to *limit* and "*separate* his personal disbursements from the pub-"lick accounts: *they must not exceed* what he has "received in any of the last three years." And as to the publick treasury and disbursements, he the said Hastings did, in the said instructions, wholly withdraw them from the personal management or interference of the Nabob, and did expressly order and direct, "that they should be under the *sole* "management of the ministers, with the Resident's "concurrence." And on the appointment of the Resident Bristow in October 1782, he the said Hastings did order and direct him in every point of

the instructions to Middleton, not revoked or alified by his then instructions, to which he did quire his [the said Resident Bristow's] " most attentive and literal obedience."

LVIII.

That the said Resident Bristow did, in consee nce of the renewal to him of the said instruc- ns as aforesaid, endeavour to limit and put in er the Nabob's expenses; but he was in that ticular traversed and counteracted, and in the wholly defeated, by the minister Hyder Beg an. And though the obstructions aforesaid, eably to the instructions given to Middleton, to him the said Bristow, were represented to said Warren Hastings by the Resident afore- , yet the said Warren Hastings did give no l of support to the said Resident, or take any s towards enabling him, the said Resident, to ctuate the said necessary limitation and dis- ution of expenses, by himself the said Hastings ered and prescribed; nor, if he disapproved proceedings of the said Resident, did he give any instruction for the forbearance of the e, or for the exerting his duty in any other le; nor did he call for any illustration from of any thing doubtful in his correspondence, state to him any complaint made privately of conduct, in order to receive thereon an expla- on; but he did leave him to pursue, at his

discretion, the extensive powers before described, to effect the reformation, which he was directed to accomplish under the responsibility denounced to him as aforesaid, if he should fail therein, as he was supposed to be substantially invested with all the powers of Government.

LIX.

That instead of the said support or instruction, he the said Hastings did countenance, or more probably cause or direct, a representation to be made to him by the acting minister of the Nabob of Oude, complaining grievously of the proceedings of the Resident aforesaid, as usurpations on the Nabob's authority, and indignities on his person. And although he the said Hastings did instruct the Resident Bristow to inform the said Hyder Beg Khân, that he would not receive from the Nabob, as *his*, letters directed by the spirit of opposition, but should consider every such attempt as his [the minister's] as an insult on our Government, yet he did receive, as *his*, the Nabob's own letters, and as written from the impressions on his own mind, and as the suggestions of his own judgment, letters to the same effect as those written by the minister, although he had declared upon record, that the said "Nabob was a mere cipher "in his the said minister's hands," and "that he "had dared to use both the Nabob's name, and

" even his seal, affixed to letters either directed to " the Nabob, or written as from him without his " knowledge;" and although he did assert, or record as aforesaid, that in a letter, which he had lately received from the Nabob, the minister had the presumption to make the Nabob declare that, which was *true*, to be *false*; and that " his *making* " *use* of the Nabob in such a manner did show " how thin the veil was, by which *he* covered *his* " *own acts*; and that such artifices would only " tend to make them the more criminal from the " *falsehood and duplicity, with which they were* " *associated.*"

LX.

That the said Hastings did act upon the letters pretended to be written by the Nabob, as well as on those actually written by the minister, without previously communicating the matter of the said complaint to the said Resident, and did give credit to the same; and coming as aforesaid from a person by himself (the said Hastings) charged with artifice, falsehood, and duplicity, and with abusing to his own evil purposes the name and seal of his master, without his knowledge, and without any previous inquiry into the facts and circumstances; and did thereon ground an accusation against the said Resident, Bristow, before the Board at Calcutta, in which he did represent the conduct of the said Bristow, in attempting to limit the house-

hold expenses of the Nabob, as an indignity, " which no man living, however mean his rank in " life, or dependant his condition in it, would " permit to be exercised by any other, but with the " want or forfeiture of every manly principle." And he did further accuse the said Bristow, for that in his proceedings in the regulation of the Nabob's household " he should receive to him- " self, or Mr. Cowper for him, or a treasurer for " both (for the arrangement has never been well " defined) the money assigned for the support of " the Nabob's household; issue it as he pleased, " not to the Nabob, but to the menial officers of " his household; dispose of his superfluous " horses, and other cattle; determine how many " elephants were necessary to the state of the " Vizier of the empire; the number of domesticks " for his attendance; and pry into the kitchen " for the purpose of ascertaining the quantity of " victuals, which ought to be dressed in it; con- " trol the accounts of these disbursements; and " appropriate to his own use (for that the conse- " quence was inevitable, if he chose it) the residue " produced by those economical retrenchments."

LXI.

That the said charge is malicious and insidious, because the attempt to introduce proper officers for the management of household expenses, so considerable

siderable, that the said Hastings has stated the tment for the same at £. 300,000 sterling ·ly, and that other accounts have carried it to 400,000 sterling, and upwards, and to keep ɔer and regular accounts thereof, was a neces- regulation, and agreeable to the dignity of the ɔob, and by no means a degradation either of person or authority, which was specially pro- d for in the regulations, as no expense could ncurred but by his own personal warrant under sign manual; nor doth there appear therein thing but what is of absolute necessity to ent embezzlement to his prejudice. And the Hastings hath declared, in the 5th article of instructions to the said Resident, that *no* ad- istration can be properly conducted without lar offices; and that in the whole province of le " there was *not one*, the *whole* being en- rossed by the minister;" of which minister, in 14th article, he declares his suspicion, that the ɔob did not receive the whole and punctual nent of the sum assigned for the purpose of household, but that some part had been by withheld from the Nabob; and that, from ate information he had lately received, he had ɔn to believe, that this was actually the case. the said Hastings well knew, that the Nabob's ehold had been ill conducted; that the allow- s of his servants had not been paid; that his

distress was scandalous; and that his nearest relations were in a famishing condition: and the said Hastings did also well know, that the household of the Nabob was provided for or neglected, not at his own discretion, but at that of the said Hyder Beg Khân; and he did, in the 14th article aforesaid, instruct the Resident Bristow to show every ostensible and external mark of respect to the Nabob, in order to induce him to become himself the mover of every act necessary for the advancing of his own interests, and the discharge of his debts to the Company, declaring, "that "they never could be effected while the minister "retained that ascendency over him, which he at "present holds by the means of a nearer and "more private intercourse, and by affecting to be "the mediator of his rights against the claims of "our Government."—And the said Hastings did further well know, that there was no way of ascertaining the payment of the assignments for the Nabob's household, either for the general purposes of their destination, or to the particular objects, to which they ought to be applied, without regular offices of receipt and of account, which might prevent the said minister Hyder Beg Khân, or the British Resident, or any other, from embezzling or misapplying the same. But the total want of offices aforesaid in every department of Government did furnish occasion of concealing all frauds,

frauds, clandestine presents, or pensions to a Governour-General, commander-in-chief, or other servant of the Company.

LXII.

That the said Warren Hastings, who did pretend so deep a concern for the indignities supposed to be suffered by the Nabob merely in the limitation and regulation of unnecessary expenses relative to his kitchen, domesticks, &c. did show no attention or compassion to the said Nabob, when in the year 1779 the said Nabob represented, that the pensions of his old servants for 30 years, the expenses of his family and kitchen, together with the Jaghires of his grandmother, mother, and aunts, and of his brothers and dependants, given for their support, were not *regulated*, but *stopped*.

LXIII.

That the other articles of regulation, namely, the reform of the troops in number and in arrangement, the appointment of proper collectors for the revenues, and the general constitution of officers for the executive administration, were in like manner totally defeated by the said Hyder Beg Khân. And the said Hastings did receive a charge from him, and did adopt it as his own, representing the endeavours of the Resident to act in the regulations aforesaid agreeably to the spirit of his instructions, and in confidence of the powers vested in, and the

responsibility, imposed upon, him the said Resident, as usurpations of the authority and prerogative of the Nabob; and he the said Hastings did make criminal charges thereon against the said Resident Bristow, of which charges the Council Board did, on hearing the same, and the defence of the said Bristow, fully acquit him.

LXIV.

That the said Hastings, by abetting Hyder Beg Khân, a person described by him as aforesaid, in his opposition to all the plans of necessary reformation proposed by the said Hastings himself, and having suggested no other whatever in lieu thereof, to answer the purposes, for which he had stipulated in the treaty of Chunar for the interference of the Resident in every branch of the Nabob's government, did thereby frustrate every one of the good ends proposed by him in the said treaty of Chunar, and did grossly abuse his trust in giving the exorbitant powers before recited, and asserting them to exist in the British Resident, without suffering them even in appearance to answer any of the proper and justifiable ends, for which any power or influence can or ought to exist in any Government.

LXV.

That there is just ground to violently presume, that not only the letters in the name of the Nabob aforesaid

aforesaid were dictated to him by his minister Hyder Beg Khân, in whose hands the said Hastings has described his master to be "a mere cipher, "&c." but which Hyder Beg was the known instrument of the said Hastings; but that the conduct and letters of complaint of the said Hyder Beg were in effect and substance prescribed and dictated to him by the said Warren Hastings, or his secret agent, Palmer, by his direction; because it is notorious, that the powers of the said Hyder Beg were solely supported by him the said Hastings, who, according to the state of favour or displeasure, in which he stood, hath frequently promised him support, or threatened him with dismission and punishment; and therefore it is not to be thought, that he would take so material a step as to oppose the Company's Resident, acting under the instructions of the Governour-General and Council, and to accuse him with so much confidence, and in a manner so different from the usual style of supplication on all other occasions employed by that Court, if he had not been previously well assured, that his writing in that manner would be pleasing to the person, upon whom he solely depended for his power, his fortune, and perhaps for his life. Secondly, because when it suited the purposes of the said Hastings on a former occasion, that is, in the year 1784, to remove the Resident Bristow aforesaid from his office, a letter from the Nabob

was

was laid before the Council Board at Calcutta, proposing, that in order to prevent the effects of the said Bristow's application to Europe for redress, the said Hastings should send him draughts of letters, which he the said Nabob would write in his own name and character to the King, to His Majesty's ministers, and to the Court of Directors, expressing himself, in the letter aforesaid, in the words following: viz. "to prevent his [Bristow's] "applying to Europe, send me, if *you* think proper, "the draughts of letters, which *I* may write to the "King, the Vizier, and the Chiefs of the Com-"pany." Thirdly, that though the said Hastings, and his secret agent Palmer, did pretend, and positively assert, that they had no share in the letters aforesaid from the Nabob and his minister, there was an original note to the Nabob's letters of accusation, referring to distinct parts and specified numbers of the agent Palmer's secret correspondence with the said Warren Hastings; and the said letter, with the said reference, was, through inadvertence, laid before the Board.

LXVI.

That the said Warren Hastings having thrown the Government of Oude into great confusion and distress, and thereby prevented the discharge of the debt, or pretended debt, to the Company, did, by all the said intrigues, machinations, and charges, aim

aim at the filling the said office of Resident at Oude with his own dependants, or by himself personally, as it appears, that he did first propose to place in the said office his secret agent, Palmer, and that afterwards, when he was not able to succeed therein, he did propose nominally to abolish the said office, but in effect to fill it by himself; proposing to the Council, and rendering himself responsible (but not in fortune) for the payment of the Company's debt within a certain given time, if he were permitted and commissioned by the Council to act for the Board in that province; and did inform them, that he was privately well assured, that in a few days he should receive an invitation to that effect; and he did state (as in the year 1781 he had stated as a reason for his former delegation) "that the state of "the country was so disordered in its revenue and "administration, and the credit and influence of "the Nabob himself so much shook by the *late* "*usurpation* of his authority, and the contests, "which attended it, as to require the accession of "an extraneous aid to restore the powers, and to "re-animate the constitution of his government;" although he the said Hastings did for a long time before attribute the weakness of his government to an extraneous interference. And the said Council, on his engagement aforesaid, did consent thereto; and he did accordingly receive a commission, enabling him to act in the affairs of Oude, not only as the

the Resident might have done, but as largely as the Council-General might legally delegate their own powers.

LXVII.

That the said Warren Hastings, in accepting the said commission, did subject his character and the reputation of his office to great imputations and suspicions by taking upon himself an inferiour office, out of which another had upon his intrigues been removed by a perpetual obstruction, which rendered it impossible for him to perform his duty, or to obey his instructions; and he did increase the said grounded suspicions by exercising that office in a government, from whence it was notorious he had himself received an unlawful gift and present from the ministers, and in which he had notoriously suffered many, and had himself actually directed some, acts of peculation, by granting various pensions and emoluments to the prejudice of the Revenue of a distressed country, which he was not authorized to grant.

LXVIII.

That the said Warren Hastings did proceed unto the said province of Oude under colour of providing a remedy for the disorders described to be existing in the same, and for the recovery of the Company's pretended debt. And the said Warren Hastings, who had thought fit to recall the Company's Resident appointed to that office by the Court of Directors,

Directors, and to suspend his office, did notwithstanding, of his own choice and selection, and on his own mere authority, take with him in his progress a large retinue, " and a numerous society of Eng- " lish gentlemen, to compose his family," which he represents as necessary; although in a letter from that very place, to which he took that very numerous society, he informs the Court of Directors, " that his own consequence, and that of the nation " he represents, are independent of show;" and after his arrival there, he the said Warren Hastings did write from Lucknow, the capital of that province, a letter dated the 30th of April 1784 to the Court of Directors, in which are several particulars to the following purport or tenour, and which he points out to the Directors " to be cir- " cumstances of no trivial information," namely, " that he had found, that the lands in that province, " as well as in some parts more immediately under " the Company, have suffered in a grievous man- " ner, being completely exhausted of their natural " moisture by the total failure of one entire season " of the periodical rains," with a few exceptions, which were produced only " by the uncommon " labour of the husbandman." And in a letter to Edward Wheler, Esquire, a member of the Council-General from Benares, the 20th of September 1784, he says, that " the *publick Revenues* had " declined with the failure of the cultivation *in*

" *three*

" *three successive years*; and all the stores of " grain, which the *providence of* the husbandman " (as he was informed is their *custom*) in defiance " of the *vigilance* of the Aumils [collectors] *clan-* " *destinely reserved for their own use*, were of " course exhausted, in which state no person would " accept of the charge of the collections on a posi- " tive engagement, nor did the rain fall till the 10th " of July."—And in another letter dated from Benares, the 1st of October following, he repeats the same accounts; and that the " country could not " bear further additions of expense; that it had no " *inlets of trade* to supply the issues, that were made " from it;" [the exceptions stated there being inconsiderable] " therefore *every rupee*, which is " drawn into your treasury [the Company's] from " its circulation, will accelerate the period, at which " its ability must cease *to pay even the stipulated* " *subsidy*." Notwithstanding this state of the country, of which he was well apprized before he left Calcutta, and the poverty and distress of the prince having been frequently but in vain represented to him, in order to induce him to forbear his oppressive exactions, he did, in order to furnish the Council with a colour for permitting him to recall the Company's Resident, and to exercise the whole powers of the Company in his own person without any check whatsoever, or witness of his proceedings, except the persons of his own private choice,

noice, make the express and positive engagement foresaid, which, if understood of a real and substantial discharge of debt for the relief of the total f the Company's finances, was grossly fallacious; ecause at the very time he must have been perctly sensible, that in the then state of the Revees and country of Oude (which are in effect the ompany's Revenues, and the Company's country) e debt, or pretended debt aforesaid, asserted to about five hundred thousand pounds, or thereouts, could not be paid without contracting anher debt, at an usurious interest, without encroachg on the necessary establishments, or on private roperty, or on the pay of the army, or without ievous oppression of the country, or all these gether. And it doth appear, that one hundred ousand pounds towards the said payment of debts as borrowed at Calcutta by the Nabob's agent ere, but what interest is not known. It appears so, that other sums were borrowed for arrear of e interest, on which £.40,000 sterling appears the Company's claims for the current year, and at various deductions were made from the Jagirs restored to the Begums, as well as other parts the Nabob's family; and it did and doth appear, at an arrear is still due to the old and new bride, but whether the same be growing or not, doth t appear; yet he hath not hesitated to assert, at he hath " provided for the complete discharge

" in

" in *one* year of a debt contracted by the *accumula-*
" *tion of many*, and from a country, whose re-
" sources have been wasted and dissipated by
" three successive years of drought, and one of
" anarchy." But the said Hastings never did even realize the payments to be made in the first year (as he confesses in the said letter) except by an anticipation of the second; and though he states in his letter aforesaid the following facts and engagements, that is to say, " *that a recovery of so large*
" *a part of your property* [the Company's] will af-
" ford a seasonable and substantial relief to the
" necessities of your government, and enable it (for
" such is my confident hope) *to begin on the reduc-*
" *tion of your debt at interest* before the conclusion
" of this year (I mean the year of this computa-
" tion)." Whereas the said Warren Hastings did apply the whole produce of the revenue to the mere pay of some part of the British army in Oude; and did not mention in his correspondence, that he had remitted any money whatsoever to Calcutta, nor to any other place (except the fifty thousand pounds taken from Almas Ali Khân, and said to be remitted to Surat) for the said " substantial relief," in consequence of the said pretended " recovery of
" property," admitting, that it had been suggested to him and not by him denied, that he had " dis-
" appointed the popular expectation by not adopt-
" ing the policy, which he had, *on the conception of*
" *better*

" *better grounds*, rejected; nor did he begin the " reduction of the interest debt" at the time stated, nor at any time; but the whole (he well knowing the state of the country from whence the resources aforesaid were by him promised) was a premeditated deceit and imposition on the Board of Council, his colleagues, and on the Court of Directors, his masters.

LXIX.

That no traces of regulation appear to have been adopted by the said Warren Hastings during his residence at Lucknow in conformity to the spirit and intentions of the treaty of Chunar, or of his instructions to Middleton and Bristow, or of the proposed objects of his own commission. But he did, in lieu thereof, pretend to free the Nabob's government from the interference of the Company's servants, and the usurpation (as he called it) of a Resident, and thereby to restore it to its proper tone and energy; whereas the measures he took were such as to leave no useful or responsible superintendence in the British, and no freedom in the Nabob's, government; for he did confirm the sole, unparticipated, and entire administration, with al the powers annexed to the government, on the minister Hyder Beg Khân, to whom he *prevailed* on the Nabob Vizier to commit the entire charge of his revenues, although he knew, that his master was a cipher in his hands; that he " had affixed

" his seal to letters written without his knowledge,
" and such as evidently tended to promote Hyder
" Beg Khân's influence and interest;" that *his* said master did not consider him as a minister *of* his choice, but as an instrument of his degradation; that " he exists as a minister by his dependence on
" the Calcutta Government; and that the Nabob
" himself had no other opinion of him; that it is
" by its *declared* and most *obvious* support *alone*,
" that he could maintain his authority and influ-
" ence." And in his instructions to his secret agent, Major Palmer, dated 6th of May 1782, to ease his mind, and remove his jealousy with regard to British interference, he did instruct him, " that
" much delicacy and caution will be required in
" your declarations on this subject, lest they should
" be construed to extend to an immediate change
" in the administration of his affairs, or the instru-
" ments of it. Their persons must be considered
" as *sacred, while* they act with the *participation of*
" *our influence*. This distinction the Nabob *un-*
" *derstands*; nor will it be either necessary or proper
" to allude to it, unless he himself should first intro-
" duce the subject." And the said Hastings did assume, as to a dependant of the lowest order, to prescribe to him the conditions, on which he is to hold his place; to threaten him with scrutinies into his conduct, with dismission, with punishment; that he was guilty of falsehood and duplicity; and that

he

he had made his master assert what was true to be false; that he suspected he had withheld from his master what he ought to have paid to him—that the event of his having *prevailed* on the Nabob to intrust him as aforesaid was, according to his the said Hastings's own letter written to the said Hyder Beg Khân himself, " an accumulation of dis-
" tress, debasement, and dissatisfaction to the Na-
" bob, and of disappointment and disgrace to me.
" Every measure, which he had himself proposed,
" and to which he had solicited my assistance, has
" been so conducted as to give him cause of dis-
" pleasure; there are no officers established, by
" which his affairs could be regularly conducted;
" mean, incapable, and indigent men have been
" appointed Aumils of the districts without autho-
" rity, and without the means of personal protec-
" tion; some of them have been murdered by the
" Zemindars, and those Zemindars, instead of pu-
" nishment, have been permitted to retain their
" Zemindaries with independent authority; all the
" other Zemindars suffered to rise up in rebellion,
" and to insult the authority of the Sircar, without
" any attempt made to suppress them; and the
" Company's debt, instead of being discharged by
" the assignments, and extraordinary sources of
" money provided for that purpose, is likely to
" exceed even the amount, at which it stood at the
" time, in which the arrangement with his Excel-

" lency was concluded. *The growth of these evils* " *was early made known to me, and their effects* " *foreboded in the same order and manner as they* " *have since come to pass.* In such a state of cala- " mity and disgrace, I can no longer remain a pas- " sive spectator; nor would it be becoming to con- " ceal my sentiments, or qualify the expression of " them. I now plainly tell you, that you are an- " swerable for every misfortune and defect of the " Nabob Vizier's government."—And after giving orders, and expressing some hopes of better beha- viour, he adds, " if I am disappointed, you will " impose on me the painful and humiliating neces- " sity of acknowledging to him, that I have been " deceived, and of recommending the examination " of your conduct to his justice, both for the re- " dress of his own and the Company's grievances, " and for the injury sustained by both in their mu- " tual connexion. *Do not reply to me,* that what " I have written is from the suggestion of your " enemies; nor imagine, that I have induced my- " self to write in such plain and declaratory terms, " without a clear insight into all the consequences " of it, and a fixed determination upon them."

LXX.

That the aforesaid being the tenour of the power of the said minister, and such his character, as given by the said Warren Hastings himself, who did

did originally compel the Nabob to receive him, who did constantly support him against the Nabob his master, as well as against the Company's Resident;—the delivering over to such a person his master, his family, his country, and the care of the British interests therein, without control or publick inspection, was a high crime and misdemeanor.

LXXI.

That the next person, whom the said Hastings did invest with power in the said country, was a certain opulent and powerful native manager of revenue, called Almas Ali Khân, closely connected with the said Hyder Beg Khân, and to whom the said Hyder Beg Khân, as the said Hastings has admitted, "had intrusted the *greatest* part of his "revenues, without any pledge or security for his "fidelity." And afterwards the said Hastings charges the said Almas Ali with an intention of removing from the Nabob's dominions; he states, "as taking with him," and therefore being possessed of, "an immense treasure, the fruits of his "embezzlements and oppressions, and an army "raised for its protection."

LXXII.

That the said Warren Hastings was, or pretended to be, impressed with the evil character, dangerous designs, and immoderate power of the

said Almas Ali; that he did insert, among his instructions to the Resident Bristow, an order of a dangerous and unwarrantable nature, in which upon his, the said Hastings's, simple allegation of offences, not accurately described or specified with regard either to the fact, the nature of the offence, or the proof, he was required to urge the Nabob to put him to death, with many qualifications in the said instructions, full of fraud and duplicity, calculated to ensnare the said Resident Bristow, and to throw upon him the responsibility of the conduct of the said Almas Ali Khân, if he should continue at large contrary to his orders, or to subject him, the said Resident, to the shame and scandal of apprehending and putting him to death by means, which, in the circumstances, must necessarily be such as would be construed into treachery; he the said Almas Ali Khân being from nature and situation suspicious and watchful, and being at that very time in the collection, or farmer of the most important part of the revenues, with an extensive jurisdiction annexed, and at the head of fourteen thousand of his own troops; and having been recently accepted by the Resident Middleton as security for large sums of money advanced by the bankers of Benares to the use of the East-India Company; which orders (if the said Resident would or could have executed them) must have raised an universal alarm among all the considerable men of the country

concerned in the government, and would have been a means of subverting the publick credit of the Company by the murder of a person engaged for very great sums of money, that had been advanced for their use.—And the said instructions are as followeth:

"If any engagement shall actually subsist be-
"tween them at the time you have charge of the
"Residency, it must, however exceptionable, be
"faithfully observed; but if he has been guilty
"of any criminal offence to the Nabob, his mas-
"ter, for which no immunity is provided in the
"engagement, or he shall break any one of the
"conditions of it, I do most strictly enjoin you,
"and it must be your special care to endeavour,
"*either by force or surprise*, to secure his person
"and bring him to justice. By bringing him to
"justice I mean, that you urge the Nabob, on
"due conviction, *to punish him with death*, as a
"necessary example to deter others from the
"commission of the like crimes; nor must you
"desist till this is effected.—I cannot prescribe
"the means; but to guard myself against the
"obloquy, to which I may be exposed by a forced
"misconstruction of this order by those, who may
"hereafter be employed in searching our records
"for cavils and informations against me, I think
"it proper to forbid, and protest against the use
"of any fraudulent artifice or treachery to accom-

" *plish the end, which I have prescribed*; and as " you alone are privy to the order, you will of " course observe the greatest secrecy, that it may " not transpire: but I repeat my recommendation " of it, as one of the first and most essential duties " of your office."

LXXIII.

That among the reasons assigned for putting to death the said Almas Ali, which the said Hastings did recommend directly and repeatedly to the Resident, " as one of the first and most essential " duties of his office," was in substance, " that " by his extensive trust with regard to the reve- " nues he had been permitted to acquire indepen- " dency; that the means thereof had been long " seen, and the effects thereof foretold by every " person acquainted with the state of government, " except those immediately interested in it:" and he, the said Warren Hastings, did also charge the said Almas Ali with embezzlement of the revenues, and oppression of the people; and nothing appears to disprove the same, but much to give ground to a presumption, that the said Almas Ali did grievously abuse the power committed to him, as farmer and collector of the revenue, to the great oppression of the inhabitants of the countries, which had been rented to him by Hyder Beg Khân, with the knowledge and consent of the said Warren Hastings.

LXXIV

LXXIV.

That the Resident B [illegible] attempt on the life of [illegible] ordered by the said Warren Hastings, did [illegible] reasons, drawn from the spirit of the said Hastings's own instructions, recommend, that his the said Almas Ali Khân's farms of revenue, or a great part of them, should be on the expiration of his lease taken out of his hands, as being too extensive, and supplying the means of a dangerous power in the country; but yet he the said Warren Hastings did not only continue him in the possession of the said revenue, but did give to him a new lease thereof for the term of five years. And on this renovation and increase of trust the said Warren Hastings did not consent to produce the informer, upon whose credit he had made his charge of capital crimes on the said Almas Ali, and had directed him to be put to death, or call upon him to make good his charges; but instead of this, totally changing his relation to the said Almas Ali, did himself labour to procure from all parts attestations to prove him not guilty of the perfidy and disloyalty, of which the said Hastings himself appears to ha[illegible] to that very time his sole accuser, as he [illegible] been his most anxious advocate; but, [illegible] he did use many endeavours to acquit [illegible] of his intended

flight,

flight, yet concerning his embezzlements and oppressions, the most important of all charges relative to that of the revenue and collection, he the said Hastings hath made no inquiry whatever, by which it might appear, that he was not as fully guilty thereof as he had always represented him to be. But some time after he the said Warren Hastings had arrived at Lucknow, in the year 1784, he suggested to the said Almas Ali Khân the *advance* to the Company's use of a sum of money, amounting to fifty thousand pounds, or thereabouts; and the said suggested advance was (as the said Warren Hastings asserts, no witness or document of the transaction appearing) "cheerfully, and without hesitation, complied with, considering it as an *evidence seasonably* offered for the general refutation of the charges of perfidy and disloyalty;"—which practice of charging wealthy persons with treason and disloyalty, and afterwards acquitting them on the payment of a sum of money, is highly scandalous to the honour, justice, and government of Great Britain; and the offence is highly aggravated by the said Hastings's declaration to the Court of Directors, that the charges against Almas Ali Khân have been too laboriously urged against him; and carried at one time to such an excess, as had nearly driven him to abandon his country "*for the preservation of his life and honour;*" and thus to give a "colour to

"the

" the charges themselves," when he the said War-
" ren Hastings did well know, that he himself did consider as a crime, and did make it an article in a formal accusation against the Resident Middleton, that he did not inform him the said Hastings of the supposed treasons of Almas Ali Khân, and of his design to abandon the country, when he himself did most laboriously urge the charges against him; and when no attempt appears to have been made against the life of the said Almas Ali Khân, except by the said Warren Hastings himself.

LXXV.

That the sum of fifty thousand pounds sterling, or thereabouts, publickly taken by the said Warren Hastings, as an *advance* for the use of the Company, if given as a consideration, or fine, on account of the renewal for a long term of civil authority and military command, and the collection of the revenues to an immense amount, the same being at least eight hundred thousand pounds sterling yearly, was so totally inadequate to the interest granted, that it may justly be presumed, it was not on that, or on any publick ground or condition, that the said Hastings did delegate, out of all reach of resumption or correction, a lease of boundless power and enormous profit, for so long a term, to a known oppressor of the country.

LXXVI.

LXXVI.

That Warren Hastings being at Lucknow *in* consequence of his deputation aforesaid, did, in his letter from that city, dated 30th of April 1784, recommend to the Court of Directors, " as his " *last and ultimate hope*, that their wisdom would " put a *final* period to the *ruinous and disreput-* " *able system* of interference, whether *avowed or* " *secret*, in the affairs of the Nabob of Oude; " and withdraw *for ever the influence*, by which it is " maintained;" and that they ought to confine their views to the sole maintenance of the old brigade stationed in Oude by virtue of the first treaty with the reigning Nabob; expressing himself in the following words to the Court of Directors: " If " you transgress that line, you may extend the " *distribution of patronage, and add to the fortunes* " *of individuals*, and to the nominal riches of Great " Britain; but your *own* interests will suffer by it; " and the *ruin of a great and once-flourishing na-* " *tion will be recorded as the work of your admi-* " *nistration, with an everlasting reproach to the* " *British name.* To this reasoning I shall join " the *obligations of justice and good faith, which* " *cut off every pretext for your exercising any* " *power or authority in this country, as long as* " *the sovereign of it fulfils the engagements he has* " *articled with you.*"

LXXVII.

LXXVII.

That it appears by the extraordinary recommendation aforesaid asserted by him the said Hastings to be enforced by the "*obligations of* "*justice and good faith*," that the said Warren Hastings, at the time of writing the said letter, had made an agreement to withdraw the British interference, represented by him "as a ruinous "and disreputable system," out of the dominions of the Nabob of Oude. But the instrument itself, in which the said agreement is made, (if at all existing) does not appear; nor hath the said Hastings transmitted any documents relative to the said treaty, which is a neglect highly criminal; especially as he has informed the Company, in his letter from Benares, "that he has promised "the Nabob, that he will not abandon him to the "*chance* of any other mode of relation; and most "confidently given him assurance of *the ratifica-* "*tion and confirmation* of that, which he [the said "Hastings] had established between his govern- "ment and the Company;" the said *confident assurance* being given to an agreement never produced, and made without any sort of authority from the Court of Directors; an agreement, precluding on the one hand the operation of the discretion of his masters in the conduct of their affairs, or, on the other, subjecting them to the hazard

hazard of an imputation on their faith, by breaking an engagement confidently made in their name, though without their consent, by the first officer of their government.

That the said Hastings, further to preclude the operation of such discretionary conduct in the administration of this kingdom, as circumstances might call for, has informed the Directors, that he has gone so far as even to condition the existence of the revenue itself with the exclusion of the Company, his masters, from all interference whatsoever; for in his letter to Mr. Wheler, dated Benares, 20th September 1784, are the following words: "the Aumils [collectors] demanded, that "a clause should be inserted in their engagements, "that they were to be in full force for the com- "plete term of their leases, *provided that no* "*foreign authority* was exercised over them; or, "in other words, *that their engagements were to* "*cease whenever they should be interrupted in their* "*functions by the interference of an English agent.* "This requisition was officially notified to me by "the acting minister, and referred to me in form "by the Nabob Vizier, for my *previous* consent to "it: I encouraged it, and I gave my consent to "it." And the said Hastings has been guilty of the high presumption to inform his said masters, that he has taken that course to compel them not to violate the assurances given by him in their name:

name:—" there is one condition [namely, the above " condition,] which *essentially connects the con-* " *firmation of the settlement itself with the interests* " *of the Company.*"

LXXVIII.

That the said Warren Hastings, who did show an indecent distrust of the Company's faith, did endeavour, before that time, at other times, namely, in his instructions to his secret agent, Major Palmer, dated the 6th May of 1782, to limit the confidence to be reposed in the British Government to the duration of his own power, in the following words in the 5th Article: " It is very " much my desire to impress the Nabob with a " *thorough* confidence in the faith and justice of " our Government; that is to say, *in my own,* " while I am at the head of it: I cannot be an- " swerable for the acts of others independent of " me."

LXXIX.

That the said Warren Hastings did, in his letter, dated Benares, the 1st of October 1784, to the Court of Directors, write, " that if they [the Di- " rectors] manifested no *symptoms* of an' *intended* " interference, the objects of his engagements will " be obtained;' but if a different policy shall be " adopted, if new agents are sent into the coun- " try, and armed with authority for the purposes " of vengeance or corruption *(for to no other will*

" *they*

the ninth article of his charge against Middleton, " his omitting to take any notice of the additional " balance of rupees 26,48,571, stated by the Ac- " countant-General to be due from the Vizier on " the 30th of April 1780," to which he did add 14 lacks more, making together the above sum.— Fifthly, that he the said Warren Hastings did assign " political dangers," in his Minute of the 13th December 1779, for burthening the said Nabob of Oude " with unnecessary defences and " enormous subsidies," with regard to which he then declared, that " it was *our* part, not *his* (the " Nabob's) to judge and to determine."—And sixthly, that he did not only show the *design*, but the *fact* of personal kindness to the partisans of what he here calls, as well as in another letter, and in one Minute of Consultation, a " late usurpa- " tion," he having rewarded the principal and most obnoxious of the instruments of the said late usurpation (if such it was) Richard Johnson, Esquire, with an honourable and profitable embassy to the Court of the Nizam.

LXXXI.

That the said Warren Hastings, therefore, by assuming an authority, which he himself did consider as an *usurpation*, and by acts, in virtue of that usurped authority, done in his own proper person, and by agents appointed by himself, and proceeding

proceeding (though with some mitigation, for which one of them was by him censured and accused) under his own express and positive orders and instructions, and thereby establishing, as he himself observed, "a system of interference, disreputable "and ruinous, which could only be subservient to "promote patronage, private interest, private em-"bezzlement, corruption and vengeance," to the publick detriment of the Company, "and to the "ruin of a once-flourishing nation, and eternally "reproachful to the British name;" and for the evil effects of which system, "as his sole and "ultimate hope" and remedy, he recommends an entire abdication, for ever, not only of all power and authority, but even of the interference and influence of Great Britain;—is guilty of an high crime and misdemeanor.

LXXXII.

That the said Warren Hastings, in his letter from Chunar of the 29th of November 1781, has represented that very influence and interference (which in three publick papers he denominates "*a* "*late usurpation*") as being authorized by a regular treaty and agreement, voluntarily made with the Nabob himself at a place called Chunar on the 19th of September 1781, a copy of which hath been transmitted to the Court of Directors; and that three persons were present at the execution of the same, two whereof were Middleton and

Johnson, his agents, and Residents at Oude, the third, the minister of the Nabob. And he did, in his paper written to the Council-General, and transmitted to the Court of Directors, not only declare, that the said interference was agreed to by the said Nabob, and sealed with his seal, but would be highly beneficial to him; assuring the said Council, "that if the Resident performed his "duty in the execution of his [the said Hastings's] "instructions, the Nabob's part of the engagement "will prove of still greater benefit to him than to "our Government, in whose behalf it was ex-"acted; and that the *participation*, which is "allowed our Resident in the *inspection* of the "publick treasure, will secure the receipt of the "Company's demands, whilst *the influence, which "our Government will ALWAYS possess over the "publick minister of the Nabob, and the authority "of our own*, will be an effectual means of secur-"ing an attentive and faithful discharge of their "several trusts, both towards the Company and "the Vizier."

LXXXIII.

And the said Warren Hastings did not only settle a plan, of which the agency and interference aforesaid was a part, and assert the beneficial consequences thereof, but did also record, that the same "was a great publick measure, constituted "on a large and *established system*, and de-"structive,

" structive, in its instant effects, of the interest and " fortune of many patronised individuals;" and in consequence of the said treaty, he the said Warren Hastings did authorize, and positively require, his agent aforesaid to interfere in, and control and regulate, *all the Nabob's affairs whatsoever*; and the said Warren Hastings having made for the Company, and in its name, an acquisition of power and authority, even if it had been abused by others, he ought to have remedied the abuse, and brought the guilty to condign punishment, instead of making another treaty without their approbation, consent, or knowledge, and to this time not communicated to them; by which it appears he has annulled the former treaty, and the authority thereby acquired to the Company, as a grievance and usurpation, to which, from the general corruption of their service, no other remedy could be applied than a formal renunciation of their power and influence; for which said actings and doings the said Warren Hastings is guilty of an high crime and misdemeanor.

LXXXIV.

That the Company's Army in India is an object requiring the most vigilant and constant inspection, both to the happiness of the natives, the security of the British power, and to its own obedience and discipline; and does require that inspection in proportion as it is removed from the princi

of government; and the number and discipline of the troops kept up by the native princes, along with British troops, is also of great moment and importance to the same ends: that Warren Hastings, Esquire, pretending to pursue the same, did, in virtue of an authority acquired by the treaty of Chunar aforesaid, give strict orders, and to which he did demand *a most implicit obedience*, that *all* officers of the Nabob's army should be appointed "with *the concurrence of the Resident*;" and supposing the case, that persons of obnoxious description or of known disaffection to the British Government should be appointed (of which he left the Resident to be the judge) he did direct in the following words: "you are in such case to remonstrate against "it; and if the Vizier should persist in his choice, "you are peremptorily, *and in my name*, to oppose "it as *a breach of his agreement*;" and he did also direct, that the "Mootiana [or soldiers em-"ployed for the collection of revenue] should be "reformed, and reduced into one corps for the "whole service; and that *no* infantry should be "left in the Nabob's service but what may be "necessary for his body-guard;"—and he did further order and direct as follows: "that in "quelling disturbances the commander of the "forces should assist you [the said Resident] on "the requisition of the Vizier, communicated "through you to him [the said commander] *or*

"*at*

" *at your own single application.* It is directed, " that the regiment ordered for the immediate " protection of your office and person at Lucknow " shall be relieved every three months, and during " its stay there shall act solely and exclusively " under your orders." And it appears in the course of the Company's correspondence, that the country troops, under the Nabob's sole direction, would be ill-disciplined and unserviceable, if not worse; and therefore the said Warren Hastings did order, that " no infantry should be kept in his " service;" yet it appears, that the said Warren Hastings did make an arrangement for a body of native troops, wholly out of the control or inspection of the British Government, and left a written order in the hands of Major Palmer (one of *his* agents, who had been continued there, though the Company was not permitted to employ any) to be transmitted to Colonel Cumming, as soon as an adequate force shall be provided *for the defence of the Nabob's frontier* by detachments from the *Nabob's own battalions*; the said Colonel Cumming's forces, whom the others were to supersede and replace, consisting wholly of infantry, and which, being intended for the same service, were probably of the same constitution.

LXXXV.

That the old brigade of British troops, which by

treaty was to remain, had been directed by the instructions of the said Hastings to the Resident Middleton, and to the Resident Bristow, "not to "be employed at the requisition of the Vizier any "otherwise than through the Resident;" and the said direction was properly given, it not being fit, that British troops should be under the sole direction of foreign independent princes, or of any other than the British Government; yet, notwithstanding the proper and necessary direction aforesaid, he the said Warren Hastings hath left the said troops, by his new treaty, without any local control, or even inspection, notwithstanding his powers under the treaty of Chunar, and his own repeated orders, and notwithstanding the mischiefs and dangers, which the said Warren Hastings did foresee would result therefrom, if left under the sole direction of the Nabob, and their own discretion, the said Hastings having stipulated with the said Nabob not to exercise any authority, or even influence, *secret* or *avowed*, within his dominions.

LXXXVI.

That the crime of the said Warren Hastings, in attempting thus to abandon the British army to the sole discretion of the Nabob of Oude, is exceedingly aggravated by the description, given by him severally of the said Nabob of Oude, and of the British army stationed for the defence of his dominions;

minions; in his letters to the Court of Directors, and in his Minutes of Consultation, and particularly in his letter of immediately on the accession of the Nabob, he did inform the said Court, "that the Nabob had not, "by all accounts, the qualities of the head or "heart, which fitted him for that office, though "there was no dispute concerning his right to "succeed;" and some years afterwards, when his accounts must have been rendered more certain, he did, in his Minute of Consultation, of the 15th of December 1779 (regularly transmitted to the Court of Directors) upon a discussion for withdrawing certain troops, kept up in the Nabob's country without his consent by him the said Warren Hastings, strongly urge, as follows, "the "*necessity* of maintaining the influence and force, "which we possess in the country; that the dis-"orders of his state [the Nabob of Oude's state] "and dissipation of his revenues are the effects of "his own conduct, which has failed, not so much "from the usual effects of *incapacity*, as from the "detestable choice he has made of the *ministers* "of his power, and the participation of his confi-"dence. I forbear to expatiate further on his "character; it is sufficient, that I am understood "by the members of this Board, who must know "the truth of my allusions. Mr. Francis [a mem-"ber of the Board] surely was not aware of the

"injury

" injury he did me [Warren Hastings] by attribut-
" ing to the spirit of party the character I gave
" Asuph ul Dowla [the Nabob of Oude]; he him-
" self knows it *to be true*; *and it is one of those*
" *notorieties, which supersede the necessity of any*
" *evidence. I was forced to the allusion I made*
" *by the imputation cast on this Government, as*
" *having caused the evils, which prevail in the go-*
" *vernment of the Nabob of Oude, which I could*
" *only answer by ascribing them to their true cause,*
" *the character and conduct of the Nabob of Oude.*"
And the Resident (appointed by the said Hastings against the orders of the Court of Directors as his particular confidential representative, one, whom the said Nabob did himself request might be continued with him, *by an engagement in writing, for ever,*) did some time before, that is, on the third of January 1779, assure the said Hastings and the Council-General, " that such is his Excellency's [the Na-
" bob of Oude's] disposition, and so entirely has
" he lost the confidence and affections of his sub-
" jects, that unless some restraint is imposed on
" him, which would effectually secure those, who
" live under the protection of his government, from
" violence and oppression, I am but too well con-
" vinced, that no man of reputation or property will
" long continue in these provinces." And that the said Resident proceeds to an instance of oppression and rapine " out of *many* of the Nabob's, which

" has caused a total disaffection and want of con-
" fidence among his subjects; he hoped the Board
" would take it into their humane consideration,
" and interpose their *influence*, and prevent an act,
" which would inevitably bring disgrace upon him-
" self, and a proportionable degree of discredit on
" the national character of the English, which I
" consider to be more or less concerned in every
" act of his administration."

LXXXVII.

That no exception was ever taken by the said Warren Hastings to the truth of the facts, or to the justness of the observation of the said Resident, which he did transmit to the Court of Directors. And the said Warren Hastings, in his letter from Chunar, dated the 29th of November 1781, speaking of the restraints, which had been put by him the said Hastings on the Nabob, relative to his own Mootiana, or forces for collection and police, and the necessity of giving the Resident a control in the nomination of the officers of his army, has asserted,
" that the necessity of the reservation arose from a
" too well known defect in the Nabob's character;
" if this check be withdrawn, and the choice left
" absolutely to the Nabob, the first commands in
" his army will be filled with the most worthless
" and abandoned of his subjects—his late com-
" mander-

" mander-in-chief is a signal and scandalous in-
" stance of this."

LXXXVIII.

And the said Warren Hastings, in his letter to the Court of Directors, dated Benares the 15th of October 1784, even after he had made the aforesaid renunciation of the Company's authority and influence to the Nabob, did write, " that the Na-
" bob, though most gentle in his manners, and
" endued with an understanding much above the
" common level, has been *unfortunately bred up in*
" *habits*, that draw his attention too much from his
" own affairs, and often subject him to the guid-
" ance of *insidious and unworthy confidants*;" which, though more decently expressed with regard to the Nabob than in his former Minutes, substantially agrees with them. And the said Warren Hastings did inform the Court of Directors, after he had solemnly covenanted to withdraw all the Company's influence on the assurances and promises of a person so by himself described, that for reasons grounded on his knowledge of the imbecility of the character of the Nabob he waited in a frontier town, " that he might be at hand to counteract any
" attempt to defeat the effect of his proceedings at
" Lucknow;" and in his letter to Mr. Wheler from the same place, he did write in the following words;
" I am

" of opportunity and temptation for unwarrantable " *emoluments, and excited the contagion of peculation* " *and rapacity throughout the whole army*; " a most remarkable instance, and uncontrovertible " proof of the prevalence of this spirit, has been " seen in the Court-Martial upon Captain Erskine, " where the Court, composed of officers of rank, " and respectable characters, unanimously and " honourably (*most* honourably), upon an acknow- " ledged fact, acquitted him, which in times of " stricter discipline would have been deemed a " crime deserving the severest punishment." From which representation (if the said Warren Hastings did not falsely and unjustly accuse and slander the Company's service) it appeared, that the peculation, which infected the whole army, derived from the taint, which it had in Oude, and so fatal to the discipline of the troops, would be dangerously increased by his treaty and agreement aforesaid with the Nabob, and by his own said evil counsel to the Court of Directors.

LXXXIX.

That it appears, after the said Warren Hastings had, on grounds so disgraceful to the British nation and government, agreed to remove for ever the British influence and interference from the government of Oude on account of the disorders in the said government, solely produced by his own criminal acts, and criminal connivances, that he did overturn

promoters, if not original contrivers, of a general rebellion and revolt for the utter extirpation of the English nation; and as such he the said Warren Hastings did compel the Nabob reluctantly to take from them their landed estates; and yet the said Warren Hastings has had the presumption to attempt to impose on the East-India Company by pretending to place his reliance on those three persons for a settlement favourable to the Company's interests, on his renunciation of all their own power, authority, and influence, and on his leaving their army to the sole and uncontrolled discretion of a stranger, meriting in his opinion the description given by him as aforesaid, as well as by him frequently asserted to be politically incapable of supporting his own power without the aid of the forces of the Company. And the offence of the said Warren Hastings, in abandoning a considerable part of the British army in the manner aforesaid, is much increased by the description, which he has himself given of the state of the said army, and particularly of that part thereof, which is stationed in the Nabob of Oude's dominions. For he did himself, on the 29th of November 1781, transmit the information following, on that subject, to the Court of Directors, namely, "that the remote stations of "those troops, placing the commanding officers "beyond the notice and control of the Board [the "Council-General] at Calcutta, afforded too much

"of

" of opportunity and temptation for unwarrantable " *emoluments, and excited the contagion of peculation* " *and rapacity throughout the whole army*; " a most remarkable instance, and uncontrovertible " proof of the prevalence of this spirit, has been " seen in the Court-Martial upon Captain Erskine, " where the Court, composed of officers of rank, " and respectable characters, unanimously and " honourably (*most* honourably), upon an acknow- " ledged fact, acquitted him, which in times of " stricter discipline would have been deemed a " crime deserving the severest punishment." From which representation (if the said Warren Hastings did not falsely and unjustly accuse and slander the Company's service) it appeared, that the peculation, which infected the whole army, derived from the taint, which it had in Oude, and so fatal to the discipline of the troops, would be dangerously increased by his treaty and agreement aforesaid with the Nabob, and by his own said evil counsel to the Court of Directors.

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overturn his own settlement as soon as he had made it; and did, after he had abolished the Company's Residency, as a grievance, wholly violate his own solemn agreement; for he did, for his private purposes, continue therein his own private agent, Major Palmer, with a number of officers and pensioners, at a charge to the revenues of the Country greatly exceeding that of the establishment under Mr. Bristow, which he did represent as frightfully enormous, and which he pretended to remove; the former amounting to £. 112,950, the latter only to £. 64,202.

XC.

That his own secret agent, Major Palmer, did receive a salary or allowance, equal to £. 22,800 a year, out of the distressed province of Oude; and this the said Palmer did declare not to be more than he absolutely did, really and *bonâ fide*, spend; and that he had retrenched considerably "in some of the articles, since the expense has "been born by the Vizier, and in every particu-"lar he made as little parade and appearance as "his station would admit," his station being that of the said Warren Hastings's private agent. But if the said large salary must be considered as merely equal to the expenses, large secret emoluments must be presumed to attend it, in order to make it a place advantageous to the holder thereof. That the

the said Palmer did apply to the Board at Calcutta for a new authority to continue the said establishments, he conceiving their continuance "after the "period of the Governour-General's departure "depended upon the pleasure of the Board, and "not upon the *authority of the Governour-General, "under the sanction of which they were established "or confirmed.*"

XCI.

That the said Warren Hastings, in order to ruin the Resident Bristow, and to justify himself for his former proceedings respecting him, did bring before the Board a new charge against him, for having paid a large establishment of offices and pensions to the Company's servants from the Revenues of Oude; and the said Bristow, in making his defence against the charge aforesaid, did plead, that he had found all the allowances on his list established before his last appointment to the Residency; that they had grown to that excess in the interval between his first removal by the said Warren Hastings, and his re-appointment; and having adduced many reasons to make it highly probable, that the said Hastings was perfectly well acquainted with it, and did approve of the expensive establishments, which he, the said Bristow, simply had paid, but not imposed, he did allege, besides the official assurances of his predecessor Middleton, certain facts, as amounting to a direct proof, that the Governour-

and that nothing *but the necessity of self-defence* could have induced Mr. Bristow to make publick another, and much stronger, instance of the same, it is to be violently presumed, that where these two, or either, or both, necessities did not exist, many evil and oppressive practices of the said Hastings do remain undiscovered. That if it had not been for the contests between him, the said Hastings, and the Resident Bristow, not only the before-mentioned particulars, but the whole of the expensive civil establishments for English servants at Oude, would have been for ever concealed from the Directors, and from Parliament; and yet the said Hastings has had the audacity to pretend so complete an ignorance of the facts, that representing the Vizier as objecting to the largeness of the payments made by Bristow, and stating a very reduced list, which he was willing to allow for, amounting to £. 30,000 a year, the said Hastings did affect to be alarmed at the magnitude even of the list so curtailed, expressing himself as follows, in his Minute of the 7th of December 1784—"for "my own part, when the Vizier's minister first "informed me, that the amount, which his master "had authorized, and was willing to admit, for the "charges of the Residency, and the allowances of "the gentlemen at Lucknow, was 25,000 rupees "per month, I own I was startled at the magnitude "of the sum, and was some days hesitating in my "mind

" mind whether I could with propriety admit of " it." Whereas he well knew, that the three sums alone, of which the necessities aforesaid had compelled the discovery, did greatly exceed that sum, of which, at the first hearing, he affects to have been so exceedingly alarmed, and thrown into a state of hesitation, which continued for some days; and although he the said Hastings was conscious, that he had at the very time authorized an establishment to more than four times the amount thereof.

XCV.

That in the said deceits, prevarications, contradictions, malicious accusations, fraudulent concealments, and compelled discoveries, as well as in the said secret, corrupt, and prodigal disposition of the revenues of Oude, as well as in his breach of faith to the Nabob, in continuing expensive establishments under a private agent of his own, after he had agreed to remove the Company's agent, the said Warren Hastings is guilty of an high offence and misdemeanor.

9th of December 1766, that "the *large* increase of "the revenue must, in a great measure, be ascribed "to Mr. Sykes's assiduity, and to *Mahomed Reza* "*Khân's profound knowledge in the finances.*"

VI.

That the then President and Council, finding it necessary to make several reforms in the administration, were principally aided in the same by the suggestion, advice, and assistance of the said Mahomed Reza Khân; and, in their letter to the Court of Directors of the 24th of June 1767, they state their resolution of reducing the emoluments of office, which before had arisen from a variety of presents, and other perquisites, to fixed allowances; and they state the merits of Mahomed Reza Khân therein, as well as the importance, dignity, and responsibility of his station, in the following manner:

"Mahomed Reza Khân has now *of himself, with* "*great delicacy of honour*, represented to us the evil "consequences, that must ensue from the continu- "ance of this practice; since, by suffering the princi- "pal officers of the Government to depend for the "support of their dignity on the precarious fund "of perquisites, they, in a manner, oblige them to "pursue oppressive and corrupt measures, equally "injurious to the country and the Company; and "they

and stood in need of natives of integrity and experience to act in the management thereof. On that ground, as well as in regard to the rank, which Mahomed Reza Khân held in the country, and the confidence of the people in him, they, the President and Council, did inform the Court of Directors, in their letter of the 30th of September 1765, that " as Mahomed Reza Khân's short administration " was irreproachable, they determined to continue " him in a share of the authority;" and this information was not given lightly, but was founded upon an inquiry into his conduct, and a minute examination of charges made against him by his rivals in the Nabob's court, they having insinuated to the Nabob, that a design was formed for deposing him, and placing Mahomed Reza on his throne; but on examination the President and Council declare, that " he had so openly and candidly accounted ' *for every rupee* disbursed from the treasury, that ' they could not, without injury to his character, ' and injustice to his conduct during his short ' administration, refuse continuing him in a share ' of the government."

V.

That the Company had reason to be satisfied with the arrangement made, so far as it regarded him; the President and Council having informed them, in the following year, in their letter of the

9th of December 1766, that "the *large* increase of "the revenue must, in a great measure, be ascribed "to Mr. Sykes's assiduity, and to *Mahomed Reza* "*Khân's profound knowledge in the finances.*"

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That the then President and Council, finding it necessary to make several reforms in the administration, were principally aided in the same by the suggestion, advice, and assistance of the said Mahomed Reza Khân; and, in their letter to the Court of Directors of the 24th of June 1767, they state their resolution of reducing the emoluments of office, which before had arisen from a variety of presents, and other perquisites, to fixed allowances; and they state the merits of Mahomed Reza Khân therein, as well as the importance, dignity, and responsibility of his station, in the following manner:

"Mahomed Reza Khân has now *of himself, with* "*great delicacy of honour*, represented to us the evil "consequences, that must ensue from the continu- "ance of this practice; since, by suffering the princi- "pal officers of the Government to depend for the "support of their dignity on the precarious fund "of perquisites, they, in a manner, oblige them to "pursue oppressive and corrupt measures, equally "injurious to the country and the Company; and "they

" they accordingly assigned twelve lacks of rupees " for the maintenance and support of the said " Mahomed Reza Khân, and two other principal " persons, who held in their hands the most import- " ant employments of that Government; having " regard to their elevated stations, and to the " expediency of supporting them in all the show " and parade requisite to keep up the authority " and influence of their respective offices, as they " are all men of weight and consideration in the " country, who held places of great trust and profit " under the former Government. We further " propose, by this act of generosity, to engage " their cordial services, and confirm them steady " in our interests, since they cannot hope, from the " most successful ambition, to rise to greater " advantages by any chance or revolution of affairs. " At the same time it was reasonable we should not " lose sight of Mahomed Reza Khân's past ser- " vices; he has pursued the Company's interest " with steadiness and diligence; his abilities qualify " him to perform the most important services. " The unavoidable charges of his particular situa- " tion are great; in dignity he stands second to the " Nabob only;—and as he engages to increase the " revenues, without injustice or oppression, to " more than the amount of his salary, *and to re-* " *linquish those advantages, to the amount of eight* " *lacks of rupees per annum*, which he heretofore

" enjoyed,

" enjoyed, we thought it proper, in the distribution " of salaries, to consider Mahomed Reza Khân in " a light superiour to the other ministers. We have " only to observe further, that great and enormous " as the sum must appear, which we have allotted " for the support of the ministers of the Govern- " ment, we will not hesitate to pronounce, that it is " necessary and reasonable, and will appear so on " the consideration of the power, which men em- " ployed on these important services have, either " to obstruct or promote the publick good, unless " their integrity be confirmed by the ties of grati- " tude and interest."

VII.

That the said Mahomed Reza Khân continued, with the same diligence, spirit, and fidelity, to execute the trust reposed in him, which comprehended a large proportion of the weight of government, and particularly of the collections; and his attachment to the interest of the Company, and his extensive knowledge, were again, in the course of the year 1767, fully acknowledged, and stated to the Court of Directors; and it further appears, that by an incessant application to business his health was considerably impaired, which gave occasion in the year following, that is, in February 1768, to a fresh acknowledgment of his services in these terms: " we must, in justice to Mahomed

" Reza Khân, express the high sense we entertain " of his abilities, and of the indefatigable attention " he has shown in the execution of the important " trust reposed in him; and we cannot but lament " the prospect of losing his services from the pre- " sent declining state of his health."

VIII.

That as in the increase of the revenue the said Mahomed Reza Khân was employed as a person likely to improve the same without detriment to the people, so, when the state of any province seemed to require a remission, he was employed as a person disposed to the relief of the people, without fraud to the Revenue; and this was expressed by the President and Council as follows, with relation to the remissions granted in the province of Bahar; " that the general knowledge of Mahomed ' Reza Khân, in all matters relative to the Duan- ' nee revenues, induced us to consent to such de- ' ductions being made, from the general state of ' that province at the last Poonah, as may be ' deemed irrecoverable, or such as may procure ' an immediate relief and encouragement to the ' Ryots in the future cultivation of their lands."

IX.

That the said Mahomed Reza Khân, in the execution of the said great and important trusts and powers,

powers, was not so much as suspected of an ambitious or encroaching spirit, which might make him dangerous to the Company's, then recent, authority, or which might render his precedence injurious to the consideration due to his colleagues in office; but, on the contrary, it appears, that a plan having been adopted for dividing the administration, in order to remove the Nabob's jealousies, the same was in danger of being subverted by the ambition " of two of his colleagues, and the *excessive moderation of Mahomed Reza Khân.*" And for a remedy of the inconveniencies, which might arise from the excess of an accommodating temper, though attended with irreproachable integrity, the President and Council did send one of their own members, as their deputy, to the Nabob of Bengal at his capital of Muxadavad; and this measure appears to have been adopted for the support of Mahomed Reza Khân, in consequence of an inquiry made, and advice given, by Lord Clive, in his letter of the 3d of July 1765; in which letter he expresses himself of the said Mahomed Reza Khân as follows: " it is with pleasure I can acquaint " you, that the *more I see of Mahomed Reza Khân,* " *the stronger is my conviction of his honour and* " *moderation*; but that, at the same time, I cannot " help observing, that either from timidity, or an " erroneous principle, he is too ready to submit to

" encroachments

" encroachments upon that proportion of power, " that has been allotted him."

X.

That the Nabob Jaffier Ali Khân dying in February 1765, Mahomed Reza Khân was appointed guardian to his children, and administrator of his office, or regent, which appointment the Court of Directors did approve. But the party opposite to Mahomed Reza Khân having continued to cabal against him, sundry accusations were framed relative to oppression at the time of the famine, and for a balance due during his employment of collector of the revenues; upon which the Directors did order him to be deprived of his office; and a strict inquiry to be made into his conduct.

XI.

That the said Warren Hastings, then lately appointed to the Presidency, did, on the 1st of April, and on the 24th of September 1772, write letters to the Court of Directors, informing them, that on the very next day after he had received (as he asserts) their private orders, " addressed to himself " alone," and not to the Board, he did dispatch, by express messengers, his orders to Mr. Middleton, the Resident at the Nabob's court at Muxadavad, in a publick character and trust with the Nabob, to arrest in his capital, and at his court, and without any

any previous notice given of any charge, his principal minister, the aforesaid Mahomed Reza Khân, and to bring him down to Calcutta; and he did carefully conceal his said proceedings from the knowledge of the Board, on pretext of his not being acquainted with their dispositions, and the influence, which he thought, that the said Mahomed Reza Khân had amongst them.

XII.

That the said Warren Hastings, at the time he gave his orders as aforesaid for arresting the said Mahomed Reza Khân, did not take any measures to compel the appearance of any other persons as witnesses, declaring it as his opinion, "that there "would be little need of violence to obtain such "intelligence as they could give against their "former master, when his authority is taken from "him;" but he did afterwards, in excuse for the long detention and imprisonment of the said Mahomed Reza Khân, without any proofs having been obtained of his guilt, or measures taken to bring him to a trial, assure the Directors, in direct contradiction to his former declaration, "that the "influence of Mahomed Reza Khân still prevailed "generally throughout the country, in the Nabob's "household, and at the capital, and was scarcely "affected by his present disgrace,"—notwithstanding, as he, the said Hastings, doth confess, he had used his utmost endeavours "to break that "influence,

" influence, by removing his dependants and putting " the direction of all the affairs, that had been " committed to his care, into the hands of the " *most powerful or active of his enemies*; that he " depended on the activity of their hatred to " Mahomed Reza Khân, incited by the expecta- " tion of rewards, for investigating the conduct of " the latter; that with this the institution of the " new Duannee coincided, and that the same prin- " ciple had guided him in the choice of Munny " Begum and Rajah Gourdass, the former for the " chief administration, the latter [the son of Nund- " comar, and a mere instrument in the hands of " his father] for the Duannee of the Nabob's " household, both the *declared enemies* of Ma- " homed Reza Khân."

XIII.

That although it might be true, that enemies will become the most active prosecutors, and as such may, though under much guard and many precautions, be used even as witnesses; and that it ought not to be an exception, supposing their character and capacity otherwise good, to the appointing them to power; yet to advance persons to power on the ground not of their honour and integrity, which might have produced the enmity of bad men, but merely for the enmity itself, without any reference whatsoever to a laudable cause, and even with a declared ill opinion

of

of the morals of one of the party, such as was actually delivered in the said letter by him, the said Hastings, of Nundcomar (and which, time has shown, he might also on good ground have conceived of others) was, in the circumstances of a criminal inquiry, a motive highly disgraceful to the honour of Government, and destructive of impartial justice, by holding out the greatest of all possible temptation to false accusation, to corrupt and factious conspiracies, to perjury, and to every species of injustice and oppression.

XIV.

That in consequence of the aforesaid motives, and others pretended, which were by no means a sufficient justification to the said Warren Hastings, he did appoint the woman aforesaid, called Munny Begum, who had been of the lowest and most discreditable order in society, according to the *ideas* prevalent in India, but from whom he received several sums of money, to be guardian to the Nabob in preference to his own mother, *and to administer the affairs of the government* in the place of the said Mahomed Reza Khân, the second Mussulman in rank after the Nabob, and the first in knowledge, gravity, weight, and character, among the Mussulmen of that province. And in order to try every method, and to take every chance for his destruction, the said Warren Hastings did maliciously and oppressively

pressively keep him under confinement, for a part of the time, without any inquiry, and afterwards, with a slow and dilatory trial, for two years together.

XV.

That notwithstanding a total revolution in the power, in part avowedly made for his destruction, the persons appointed for his trial did, on full inquiry, completely acquit the said Mahomed Reza Khân of the criminal charges against him, on account of which he had been so long persecuted and confined, and suffered much in mind, body, and fortune; and the Court of Directors, in their letter of the 3d of March 1775, testify their satisfaction in the conduct and result of the said inquiry, and did direct the restoration of the said Mahomed Reza Khân to liberty, and to the offices, which he had lately held, which comprehended the management of the Nabob's household, and the general superintendency of the justice of Bengal; but according to the orders of the Court of Directors, his appointments were reduced to thirty thousand pounds a year, or thereabouts, of which he did make grievous complaint on account of the expenses attendant on his station, and the heavy debts, which he had been obliged to contract during his unjust persecution and imprisonment aforesaid.

XVI.

That on the removal of the said Mahomed Reza Khân from the superintendency of the criminal justice, and in consequence of letting the province of Bengal in farm by the said Warren Hastings, several dangerous and mischievous innovations were made by him, the said Warren Hastings, and the criminal justice of the country was almost wholly subverted, and great irregularities and disorders did actually ensue.

XVII.

That the Council-General, established by Act of Parliament in the year 1773, did restore the said Mahomed Reza Khân, with the consent and approbation of the Nabob (but under a protest from the said Warren Hastings) to his liberty, and to his offices, according to the spirit of the orders given by the Court of Directors as aforesaid; and the Court of Directors did approve of the said appointment, and did assure the said Mahomed Reza Khân of their favour and protection, as long as his conduct should merit the same, in the following terms: as "the abilities of Mahomed Reza Khân "have been sufficiently manifested; as official "experience qualifies him for so high a station in "a more eminent degree than any other native, "with whom the Company has been connected; "and as no proofs of maleadministration have

"been

" been established against him, either during the " strict investigation of his conduct, or since his " retirement, we cannot under all circumstances " but approve your recommendation of him to " the Nabob to constitute him his Naib. We " are well pleased, that he has received that ap- " pointment, and authorize you to assure him of " our favour, so long as a firm attachment to the " interest of the Company, and a proper discharge " of the duties of his station shall render him " worthy of our protection." And the said Mahomed Reza Khân did continue to execute the same without any complaint whatsoever of malversation or negligence, in any manner or degree, in his said office.

XVIII.

That in March 1778 the said Warren Hastings, under colour, that the Nabob had completed his twentieth year, and had desired to be placed in the entire and uncontrolled management of his own affairs, and that Mahomed Reza Khân should be removed from his office, and that Munny Begum his step-mother, the dancing-girl aforesaid, " should " take on herself the management of the Nizamut " [the government and general superintendency of " criminal justice] without the interference of any " person whatsoever;" and, notwithstanding the contradictions in the pretended applications from

the Nabob, with whose incapacity for all affairs he was well acquainted, did, in defiance of the orders of the Court of Directors, and without regard to the infamy of an arrangement, made for the evident and declared purpose of delivering not only the family with the prince, but the government and justice of a great kingdom, into such insufficient, corrupt, and scandalous hands; and though he has declared his opinion, "that our national character "is concerned in the character, which the Nabob "may obtain in the publick opinion," on obtaining a majority in Council, without any complaint, real or pretended, remove the said Mahomed Reza from all his offices, and did partition his salary as a spoil in the following manner:—to Munny Begum, the dancing-girl aforesaid, an additional allowance of seventy-two thousand rupees [£.7,200] a year; to the Nabob's own mother but half that sum, that is to say, 36,000 rupees [£.3,600] a year; to Rajah Gourdas, son of Nundcomar (whom he had described as a weak young man), 72,000 rupees [£.7,200] a year, as controller of the household; and to a magistrate, called Sudder ul Hock, who in real subserviency to the said Munny Begum was nominally to act in the department of criminal justice, 78,000 rupees [£.7,800] a year; the total of which allowances exceeding the salary of Mahomed Reza Khân by 18,000 rupees [£.1,800] yearly he did, for the corrupt and scandalous

scandalous purposes aforesaid, order the same to be made up from the Company's treasury.

XIX.

That Mr. Francis and Mr. Wheler having moved, that the execution of the aforesaid arrangement, the whole expense of which, ordinary and extraordinary, was charged upon the Company's treasury, and therefore could not be even colourably disposed of at the pretended will of the said Nabob, might be suspended until the pleasure of the Court of Directors thereon should be known; and the same being resolved agreeably to law by a majority of the Council then present, the said Hastings, urging on violently the immediate execution of his corrupt project, and having obtained, by the return of Richard Barwell, Esquire, a majority in Council in his own casting vote, did rescind the aforesaid resolution, and did carry into immediate execution the aforesaid most unwarrantable, mischievous, and scandalous design.

XX.

That the consequences, which might be expected from such a plan of administration, did almost instantly flow from it. For the person appointed to execute one of the offices, which had been filled by Mahomed Reza Khân, did soon find, that the eunuchs of Munny Begum began to employ their power with superiority, and insolence in all the

concerns of Government, and the administration of justice, and did endeavour to dispose of the offices relative to the same for their corrupt purposes, and to rob the Nabob's servants of their due allowances; and in his letter of the 1st September 1778, he sent a complaint to the Board, stating, "that certain "bad men had gained an ascendency over the "Nabob's temper, by whose instigation he acts." And after complaining of the slights he received from the Nabob, he adds, "thus they cause the "Nabob to treat me, sometimes with indignity, at "others with kindness, just as they think proper to "advise him: their view is, that, by compelling me "to displeasure at most unworthy treatment, they "may force me either to relinquish my station, or "to join with them, and act by their advice, and "appoint creatures of their recommendation to the "different offices, from which they might draw "profit to themselves."

XXI.

That, in a subsequent letter to the Governour, the said superintendent of justice did inform him, the said Warren Hastings, of the audacious and corrupt manner, in which by violence, fraud, and forgery, the eunuchs of Munny Begum had abused the Nabob's name, to deprive the judicial and executory officers of justice of the salaries, which they ought to have drawn from the Company's treasury,

in the following words:—"The Begum's ministers, "before my arrival, with the advice of their coun- "sellors, caused the Nabob to sign a receipt, in "consequence of which they received, at two dif- "ferent times, near 50,000 rupees [£. 5,000] in "the name of the officers of the Adawlut, Fous- "dary, &c. from the Company's Circars; and "having drawn up an account-current *in the man- "ner they wished*, they had got the Nabob to sign "it, and sent it to me." And in the same letter he asserts, "that these people had the Nabob "entirely in their power."

XXII.

That the said Warren Hastings, upon this representation, did, notwitstanding his late pretended opinion of the fitness and the right of the Nabob to the sole administration of his own affairs, authoritatively forbid him from any interference therein, and ordered, that the whole should be left to the magistrate aforesaid; to which the Nabob did, notwithstanding his pretended independence, yield an immediate and unreserved submission; for the said Hastings's order being given on the first of September at Calcutta, he received *an answer* from Muxadavad on the third, in the following terms:—— "Agreeably to your pleasure I have relinquished "all concern with the affairs of the Fousdary "and Adawlut, leaving the entire management

" in Judder ul Hock's hands." Which said circumstance, as well as many others, abundantly proves, that all the Nabob's actions were in truth and fact entirely governed by the influence of the said Hastings; and that however the said Hastings may have publickly discouraged the corrupt transactions of the said Court, yet he did secretly uphold the authority and influence of Munny Begum, who did entirely direct, with his knowledge and countenance, all the proceedings therein. For

XXIII.

That on the 13th of the same month of September he did receive a further complaint of the corrupt and fraudulent practices of the chief eunuch of the said Munny Begum; and these corrupt practices did so continue and increase, that on the 10th of October 1778 he was obliged to confess, in the strongest terms, the pernicious consequences of his before-created unwarrantable, and illegal arrangements; for, in a letter of that date to the Nabob, he expresses himself as follows: " At your " Excellency's request, I sent Sudder ul Hock Khân " to take on him the administration of the affairs " of the Adawlut and Fouzdary, and hoped by " that means not only to have given satisfaction to " your Excellency, but that, through his abilities " and experience, these affairs would have been " conducted in such manner as to have secured

" the

" the peace of the country, and the happiness of
" the people; and it is with the greatest concern I
" learn, that this measure is so far from being at-
" tended with the expected advantages, that the
" affairs both of the Fouzdarry and Adawlut are
" in the greatest confusion imaginable, and daily
" robberies and murders are perpetrated through-
" out the country. This is evidently owing to the
" want of a proper authority in the person ap-
" pointed to superintend them. I therefore ad-
" dressed your Excellency on the importance and
" delicacy of the affairs in question, and of the
" necessity of lodging full power in the hands of the
" person chosen to administer them; in reply to
" which your Excellency expressed sentiments co-
" incident with mine; notwithstanding which, your
" dependants and people, actuated by *selfish and*
" *avaricious views, have by their interference so*
" *impeded the business, as to throw the whole country*
" *into a state of confusion; from which nothing*
" *can retrieve it but an unlimited power lodged*
" *in the hands of the superintendent.* I therefore
" request, that your Excellency will give the strictest
" injunctions to all your dependants not to inter-
" fere in any manner with any matter relative to
" the affairs of the Adawlut and Fouzdary; and
" that you will yourself relinquish all interference
" therein, and leave them entirely to the manage-
" ment of Sudder ul Hock Khân: this is absolutely

" necessary

" necessary to restore the country to a state of " tranquillity." And he concluded by again recommending the Nabob to withdraw all interference with the administrator aforesaid; " otherwise a " measure, which I adopted at your Excellency's " request, and with a view to your satisfaction, and " the benefit of the country, will be attended with " quite contrary effects, and bring discredit on " me."

XXIV.

That the said Hastings, in the letter aforesaid, in which he so strongly condemns the acts, and so clearly marks out the mischievous effects of the corrupt influence, under which alone the Nabob acted, and under which alone, from his known incapacity, and his dependence on the person supported by the said Hastings, he could act, did propose to put all the offices of justice (which on another occasion he had requested him to *permit* to remain in the hands, which then held them) into his own disposal; telling him, or rather the woman and eunuchs, who governed him, " that if " his Excellency has any plan for the management " of the affairs in future, be pleased to communicate " it to me, and every attention shall be paid to " give your Excellency satisfaction." By which means not only particular parts, as before, but the whole system of justice was to be afloat, and to be subject

subject to the purposes of the aforesaid corrupt cabal of women and eunuchs.

XXV.

That the Court of Directors, on receiving an account of the above arrangements, and being well apprized of the spirit, intention, and probable effect of the same, did, in a clear, firm, and decisive manner, express their condemnation of the measure, and their rejection and reprobation of all the pretended grounds and reasons, on which the same was supported; marking distinctly his prevarication and contradictions in the same, and pointing to him their full conviction of the unworthy motives, on which he had made so shameful an arrangement; telling him, in the 17th paragraph of their general letter, of the 4th of February 1779, "the Nabob's "letters of the 25th and 30th of August, of the "3d of September, and 17th of November, leave "us no doubt of the *true* design of this *extraordi-* "*nary* business being to *bring forward* Munny "Begum, and again to invest her with improper "power and influence, notwithstanding our former "declaration, that so *great* a part of the Nabob's "allowance had been embezzled and misapplied "under her superintendence."

XXVI.

That in consequence of the censure and condemnation

demnation of the unwarrantable measures of the said Warren Hastings by the Court of Directors, on the aforesaid and other weighty and substantial grounds, they did order and direct as follows, in the 20th paragraph of the general letter of the same date: "As we deem it for the welfare of the "country, that the office of Naib Soubadar be for "the present continued, and that this high office "should be filled by a person of wisdom, experi- "ence, and of approved fidelity to the Company; "and as we have no reason to alter the opinion "given of Mahomed Reza Khân, in our letter of "the 24th December 1776, we positively direct, "that you forthwith signify to the Nabob, Mobarek "ul Dowla, our pleasure, that Mahomed Reza "Khân be immediately restored to the office of "Naib Soubadar; and we further direct, that Ma- "homed Reza Khân be again assured of the con- "tinuance of our favours, so long as a firm attach- "ment to the interests of the Company, and a "proper discharge of the duties of his station shall "render him worthy of our protection."

XXVII.

That the aforesaid direction did convey in it such evident and cogent reason, and was so far enforced by justice to individuals, and by regard to the peace and happiness of the natives, as well as by the common decorum to be observed in all the transactions

transactions of Government, that the said Hastings ought to have yielded a cheerful obedience thereto, even if he had not been by a positive statute, and his relation of servant to the Company, bound to that just submission. Yet the said Hastings did, without denying or evading any one of the reasons assigned by the Court of Directors, or controverting the scandalous motives assigned by them for his conduct, contumaciously refuse obedience to the above positive order on pretence, that the Nabob, who, he had declared it on record "to be as "visible as the light of the sun, is a mere pageant, "and without even the shadow of authority," did dissent from the same; and he did encourage the said Nabob, or rather the eunuchs, the corrupt ministers of Munny Begum, to oppose himself and themselves to the authority of the said Court of Directors; by which means the arrangement, three times either ratified, or expressly ordered by them, was wholly defeated; the aforesaid corrupt system was continued; Mahomed Reza Khân was not restored to his office; and a lesson was taught to the natives of all ranks, that the declared approbation, the avowed sanction, and the decided authority of the Court of Directors, were wholly nugatory to their protection against the corrupt influence of their servants.

XXVIII.

That the said Warren Hastings, on a reconciliation

ciliation with Mr. Francis, one of the Council-General, who made it a condition thereof, that certain of the Company's orders should be obeyed, and that Mahomed Reza Khân should be restored to his offices, did, a considerable time after, notwithstanding the pretended reluctance of the Nabob, and his pretended freedom, make, for his convenience in the said accommodation, the arrangement, which he had unwarrantably and illegally refused to the orders of the Court of Directors; and did, of his own authority and that of the Board, restore Mahomed Reza Khân to his offices.

XXIX.

That soon after the departure of the said Mr. Francis he did again deprive the said Mahomed Reza Khân of his said offices, and did make several great changes in the constitution of the criminal justice in the said country; and after having, under pretence of the Nabob's sufficiency for the management of his own affairs, displaced, without any specifick charge, trial, or inquiry whatsoever, the said Mahomed Reza Khân, he did submit the said Nabob to the entire direction, in all parts of his concerns, of a Resident of his own nomination, Sir John Doyley, Bart. and did order an account of the most minute parts of his domestick economy to be made out, and to be delivered to the said Sir John Doyley, in the following words, contained

in

in a paper by him intitled, INSTRUCTIONS from the Governor-General to the Nabob Mobarek ul Dowla, respecting his conduct in the management of his affairs: "you will be pleased to direct "your Mutta Seddies to form an account of the "fixed sums of your monthly expenses, such as "servants' wages in the different departments, "pensions, and other allowances, as well as of the "estimated amount of variable expenses, to be "delivered to Sir John Doyley *for my inspection*. "I have given such orders to Sir John Doyley as "will enable him to propose to you such reductions "of the pensions and other allowances, and such a "distribution of the variable expenses, as shall be "proportionable to the total sum of your monthly "income; *and I must request you will conform to* "*it*." And he did, in the subsequent articles of his said Instructions, order the whole management to be directed by Sir John Doyley, subject to his own directions as aforesaid; and did even direct what company he should keep; and did throw reflections on some persons, in places the nearest to him, as of bad character and base origin—persons, whom he should decline to name as such, "unless "he heard, that they still availed themselves of his "goodness to retain *the places*, which they impro-"perly hold near his person." And he did particularly order the said Nabob not to admit any English, but such as the said Sir John Doyley should

to his sence; and did repeat
t t ing peremptory manner;
" on of *that nation* to be
" l into *your* presence, without *his* intro-
" duction." And he did require his obedience in the following authoritative style: " I shall think " myself obliged to interfere *in another manner*, " if you neglect it."

XXX.

That he the said Warren Hastings did insult the captive condition of the said Nabob by informing him, in his imperious Instructions aforesaid, that this total, blind, and implicit obedience, in every respect whatsoever, to Sir John Doyley and himself personally, and without any reference to the Board, " was the very *conditions* of the compliance " of the Governour-General and Council with his " late requisition;" which requisition was, that he should enjoy *the free and uncontrolled* management of his own affairs. And though the said captive did offer, as he the said Hastings himself admits, *four lacks* of his stipend, at that time reduced to sixteen lacks, for *the free use of the remainder*, yet he did place him the said Nabob in the state of servitude in the said instructions laid down but a very short time after he had assumed and used the said Nabob's independent rights as a ground for refusing to obey the Company's orders; and although

although he has declared, or pretended, on another occasion, which he would have thought similar, that any attempt to limit the household expenses of the Nabob of Oude was an indignity, "which no 'man living, however mean his rank in life, or 'dependent his condition in it, would permit to be 'exercised by any other, without the want or 'forfeiture of every manly principle."

XXXI.

That the said Warren Hastings did order the said stipend (which was to be distributed, in the minutest particular, according to the said Hastings's personal directions) to be paid monthly, not to any officer of the Nabob, but to the said Resident Sir John Doyley. And whereas the Governour-General and Council did, on the appointment of Mahomed Reza Khân, according to their duty instruct him, that "he do conform to the *orders* of the 'Company, which direct, that an annual account 'of the Nabob's expenses be transmitted, through 'the resident at the Durbar, for the inspection of 'this *Board*,"—the said Hastings, in making his new establishment in favour of his Resident, did wholly omit the said instruction, and did confine the said communication to *himself* privately. And in fact it does not appear, that any account whatsoever of the disposition of the said large sum, exceeding £.160,000 sterling a year, has been laid

before the Board, or at least that any such account has been transmitted to the Court of Directors; and it is not fitting, that any British servant of the Company should have the management of any publick money, much less of so great a sum, without a publick well-vouched account of the specifick expenditure thereof.

XXXII.

That the Court of Directors did, on the 17th of May 1766, propose certain rules for regulating the correspondence of the Resident with the Nabob of Bengal, in which they did direct, as a principle for the said regulations, as follows (Paragraph 16th:) "we would have his correspondence to be carried "on with the *Select Committee* through the channel "of the President; he should keep a diary of all "his transactions. His correspondence with the "natives *must be publickly conducted*; copies of "*all* his letters, sent and received, be transmitted "monthly to the Presidency, with duplicates and "triplicates to be transmitted home in our general "packet by every ship."

XXXIII.

That the President and Select Committee (Lord Clive being then President) did approve of the whole substantial part of the said regulation (the diary excepted); and the principle, in all matters

of

of account, ought to have been strictly adhered to, whatever limitations may have been given to the office of Resident. Yet he the said Warren Hastings, in defiance of the aforesaid good rules, orders, and late precedent in conformity to the same, did not only withhold any order for the purpose, but, in order to carry on the business of the said Durbar in a clandestine manner for his own purposes, did, as aforesaid, exclude all English from an intercourse with the Nabob, who might carry complaints or representations to the Board, or the Court of Directors, of his condition or the conduct of the Resident; and did further, to defeat all possible publicity, insinuate to him to give the preference to verbal communication above letters, in the words following of the 9th article of his Instructions to the Nabob: "although I desire to receive your "letters frequently, yet, as many matters will occur, "which cannot be so *easily explained by letters as* "*by conversation*, I desire, that you will on such "occasions give your orders to him respecting "such points as you may desire to have imparted "to me; and I, postponing every other concern, "will give an immediate, and the most satisfactory "reply concerning them." Accordingly, no relation whatsoever has been received by the Court of Directors of the said Nabob's affairs; nor any account of the money monthly paid, except from publick fame, which reports, that his affairs are in

great disorder, his servants unpaid, and many of them dismissed, and all the Mussulmen dependant on his family in a state of indigence.

XVIII. THE MOGUL DELIVERED UP TO THE MAHRATTAS.

I.

THAT Shâh Allum, the prince, commonly called the Great Mogul, or, by eminence, *The King*, is, or lately was, in the possession of the ancient capital of Hindostan; and though without any considerable territory, and without a revenue sufficient to maintain a moderate state, he is still much respected and considered; and the custody of his person is eagerly sought by many of the princes in India, on account of the use to be made of his title and authority; and it was for the interest of the East-India Company, that, while on one hand no wars shall be entered into in support of his pretensions, on the other no steps should be taken, which may tend to deliver him into the hands of any of the powerful states of that country; but that he should be treated with friendship, good faith, and respectful attention.

II. That

II.

That Warren Hastings, in contradiction to this safe, just, and honourable policy, strongly prescribed and enforced by the orders of the Court of Directors, did (at a time when he was engaged in a negotiation, the declared purpose of which was to give peace to India) concur with the Captain-General of the Mahratta state, called Madajee Scindia, in hostile designs against the few remaining territories of that same Mogul Emperour, by virtue of whose grant the Company actually possess the government, and enjoy the Revenues, of great provinces, and also against the possessions of a Mahomedan Chief called Nudjif Cawn, a person of much merit with the East-India Company; in acknowledgment of which they had granted him a pension, included in the tribute due to the king, and, together with that tribute, taken from him by the said Warren Hastings, though expressly *guarantied* to him by the Company. With both these powers the Company had been in friendship, and were actually at peace at the time of the said clandestine concurrence in a design against them; and the said Hastings hath since declared, that the right of one of them, namely, "the right of the Mogul Emperour 'to our assistance has been constantly acknow-'ledged."

III.

That the said Warren Hastings, at the time of his treacherous concurrence in a design against a power, which he was himself of opinion we were bound to assist, and against whom there was no doubt he was bound neither to form nor to concur in any hostile attempt, did give a caution to Colonel Muir, to whom the negotiation aforesaid was intrusted on the part of the Company, against "inserting any thing in the treaty, which might "*expressly* mark our *knowledge* of his [the Mahratta General's] views *or concurrence in them.*" Which said transaction was full of duplicity and fraud; and the crime of the said Hastings therein is aggravated by his having some years before withheld the tribute, which by treaty was solemnly agreed to be paid to the said king, on pretence that he had thrown himself, for the recovery of his city of Delhi, on the protection of the Mahrattas, whom the said Warren Hastings then called *the natural enemies* of the Company, and the growth of whose power he then alleged to be highly dangerous to the interest of this kingdom in India.

IV.

That after having concurred, in the manner before mentioned, in a design of the Mahrattas against

the Mogul; and notwithstanding he the said Warren Hastings had formerly declared, "that with "him [the Mogul] our connexion had been a long "time suspended, and *he wished never to see it re-* "*newed*, as it had proved a fatal drain to the wealth "of Bengal, and the treasury of the Company, "without yielding one advantage or possible re- "source, even of remote benefits, in return," the said Warren Hastings did nevertheless, on or about the month of March 1783, with the privity and consent of the members of the Board, but by no authoritative act, dispatch, as agents of him the Governour-General only, and not as agents of the Governour-General and Council, as they ought to have been, certain persons, among whom were Major Browne and Major Davy, to the court of the king at Delhi, and did there enter into certain engagements with the said king by the means of those agents, and did carry on certain private and dangerous intrigues for various purposes, particularly for making war in favour of the said king, against some powers or princes not precisely described, but which, as may be inferred from a subsequent correspondence, were certain Mahomedan Princes in the neighbourhood of Delhi in amity with the Company, and some of them at that time in the actual service, and in the apparent confidence and favour of the said Mogul; and he did order Major Browne to offer to the Mogul king to provide for

the *entire* expense of *any* troops the Shâh [the said king] might require; and the proposal was accordingly accepted with the conditions annexed; by which proposal, and acceptance thereof, the East-India Company was placed in a situation of great and perplexing difficulty, since either they were to engage, at an unlimited *expense*, in new wars, contrary to their orders, contrary to their general declared policy, and contrary to the published resolutions of the House of Commons, and wholly incompatible with the state of their finances; or, to preserve peace, they must risk the imputation of a new violation of faith, by departing from an agreement made on the voluntary proposal of their own government; the agent of the said Hastings having declared, in his letter to the said Hastings, by him communicated to the Board, "that the business of "assisting the Shâh [the Mogul Emperour] can "and *must* go on, if we wish to be secure in India, "or regarded as a nation of faith and honour."

V.

That the said Warren Hastings did, on the 20th day of January 1784, send in circulation to the other members of the Council a letter to him from his agent, Major Browne, dated at Delhi on the 30th of December 1783, viz. that letter, to which the foregoing references are made, in which the said Browne did directly press, and indirectly (though

(though sufficiently and strongly) suggest several highly dangerous measures for realizing the general offers and engagements of the said Warren Hastings;—proposing, that besides a proportion of field-artillery, and a train of battering cannon for the purpose of sieges, six regiments of Sepoys in the Company's service should be transferred to that of the said king, and that certain other corps should also be raised for the said service in the English provinces and dependencies, to be immediately under the king's [the Mogul's] orders, and to be maintained by assignments of territorial revenue within the province of Oude, a dependent member of the British government, but with a caution against having any British officer with the same; the said Major Browne expressing his caution as followeth;—"if any European officer *be* with this "corps, a very nice judgment indeed must direct "the choice; for scarce any are in the smallest "degree *fit* for *such* employ, but much more likely "to do harm than good." And the letter aforesaid being without any observation thereon, or any disavowal of the matters of fact, or of the counsels so strongly and authoritatively delivered therein by the said Warren Hastings's agent, and without any mark of disapprobation of any part of his plan, whether that of the assignment of territory belonging to the Company's allies for the maintenance of troops, which were to be by that plan put under the orders

orders of a foreign independent Power, or that of employing the said troops without any British officer with them; or for his alarming observation by him entered on the Company's records, which, if not an implied censure on the nature of the service, in which British officers are supposed improper to be trusted, is a strong reflection on the character of the British officers, which was to render them unfit to be employed in an honourable service—the said Warren Hastings did thereby give a countenance to the said unwarrantable and dangerous proposals and reflections.

VI.

That, a considerable time before the production and circulation of Major Browne's letter, the said Hastings did enter a Minute of Consultation, containing a proposition similar in the general intent to that in the said letter contained for assisting the Mogul with a military force; but the other members of the Board did disagree thereto, and being alarmed at the disposition so strongly shown by the said Hastings to engage in new wars, and dangerous foreign connexions, and possibly having intelligence of the proceedings of his agent, did call upon him to produce his instructions to Major Browne; and he did on the 5th of October 1783, and not before, enter on the Consultations a certain paper, purporting to be the instructions, which he had

dated the 4th of May 1784, in which he informs the Court, that the son and heir-apparent of the Great Mogul had taken refuge with him, and the Nabob of Oude; that he had a conference with that prince on the 10th of the same month of May, " no person being either present or within hearing" during the same; and that in the said conference the prince had informed him of the distresses of his father, and his wish for the relief of the king, and the restoration of the dominions of his house, as well as to rescue him from the power of certain persons not named, who degraded him into a mere instrument of their interested and selfish designs; and that, on a failure of his application to him, he would either return to his father, or proceed to Calcutta, and thence to England; and that the said Warren Hastings did give him an answer to the following effect; " that our [the " British] Government had just obtained relief from " a state of universal wa fare, and required a term " of repose; that our whole nation was weary of " war, and dreaded the renewal of it, *and would* *be equally alarmed at* *nt, of which it* *ould not see the issu* *ress, but which* *ght eventually tend* *e new hostilities*; t he came hither [t w] with a limited ority, and could n f he chose it, engage business of th re *without the con-* *his colleagu* *he believed* " *would*

to carry on, with less obstructions, dark and dangerous intrigues, contrary to the orders of the Court of Directors, to the true policy of this kingdom, and to the safety of the British possessions in the East.

VII.

That the said letter from Major Browne was by the said Warren Hastings transmitted to the Court of Directors, without being accompanied by any part of the previous correspondence; by which wilful concealment the said Warren Hastings is guilty of an high and criminal disrespect to the Court of Directors, and of a most flagrant breach and violation of their orders, which he was bound by an Act of Parliament to obey.

VIII.

That the said Hastings having early in the year 1784 procured to himself a deputation to act in the upper provinces, the Council, being well aware of his disposition to engage in unwarrantable designs against the neighbouring states, did expressly confine his powers to the circumstance of his actual residence within the Company's provinces; but it appears, that ways were found out, by which he hoped to defeat the precautions of the Board: for the said Warren Hastings did write from Lucknow, the capital of the country of Oude, to the Court of Directors a certain postscript of a letter, dated

dated the 4th of May 1784, in which he informs the Court, that the son and heir-apparent of the Great Mogul had taken refuge with him, and the Nabob of Oude; that he had a conference with that prince on the 10th of the same month of May, "no person being either present or within "hearing" during the same; and that in the said conference the prince had informed him of the distresses of his father, and his wish for the relief of the king, and the restoration of the dominions of his house, as well as to rescue him from the power of certain persons not named, who degraded him into a mere instrument of their interested and sordid designs; and that, on a failure of his application to him, he would either return to his father, or proceed to Calcutta, and thence to England; and that the said Warren Hastings did give him an answer to the following effect; "that our [the "British] Government had just obtained relief from "a state of universal warfare, and required a term "of repose; that our whole nation was weary of "war, and dreaded the renewal of it, *and would* "*be equally alarmed at any movement, of which it* "*could not see the issue or progress, but which* "*might eventually tend to create new hostilities*; "that he came hither [to Lucknow] with a limited "authority, and could not, if he chose it, engage "in any business of that nature *without the con-* "*currence of his colleagues in office, whom he believed*

"*would*

" *would be averse to it*; that he would represent " the same to the joint members of his own Go- " vernment, and wait their determination. In the " mean time he advised the prince to make ad- " vances to Madajee Scindia, both because our " Government *was in intimate and sworn connexion* " with him, and because he was the effectual head " of the Mahratta State; besides that he, the said " Warren Hastings, feared his [Scindia's] taking " the other side of the question, unless he was " early prevented."

IX.

That, in the statement of this discourse, there is much criminal reserve towards the Court of Directors, it not appearing distinctly what the objects were, nor who the persons concerned, nor what the side was, which he apprehended the Mahrattas might take, if not prevented by his advances; and in the discourse itself there were many particulars highly criminal; namely, for that in the said conversation, in which he describes himself as declining a compliance with the request of the prince on account of the aversion (therein strongly expressed) of his colleagues, of the Company, and of the whole British nation, to engage in any measures, which might even " *eventually lead to hostilities*,"—he spoke to the prince as if he had been entirely ignorant of the offers, which but five months before had been made to the king his father on the part of

of that very government (whose repugnance to such measures he then for the first time chose to profess, but which he always had known) through Major Browne, the Company's representative at the Court of Delhi, " to provide for the *entire* expense of " *any* troops, which the Shâh [the king] might " require;" and that this was " what the Resident " had *always* proposed to the king, and his confi- " dential ministers;"—the said Browne further declaring, " that if, in consequence of the said " proposals, certain arrangements for the Shâh's " service, by *troops*, were not immediately ordered, " in his opinion all our [English Government's] " *offers and promises* will be considered as false and " insidious." This being the known state of the business, as represented by the said Hastings's own agent, and this the publick opinion of it, although to impose on the ignorance of the prince with regard to the proceedings at his father's Court would have been unworthy in itself, yet he, the said Warren Hastings, could not hope to succeed in such imposition, as in the postscript aforesaid he represents the said prince [who was the king's eldest son, and thirty-six years of age] as a person of considerable qualifications, and perfectly acquainted with the transactions at his father's Court, and as one, who had long held the *principal* and most active part in the little, that remained of the *administration of Shâh Allum*. And the said Hastings conferring with

with a prince so well instructed, without making the slightest allusions to his said positive and recent engagements, or without giving any explanation with regard to them, the said Warren Hastings must appear to the said prince either as a person not only contracting engagements, but actually being the first mover and proposer of them, without any authority from *his colleagues*, and against theirs and the general inclination of the British nation, and on that ground not to be trusted; or that he had used this plea of disagreement between him and his Council as a pretence, set up without colour or decency, for a gross violation of his own engagements; leaving the princes and states of the country no solid ground, on which they can or ought to contract with the Company, to the utter destruction of all publick confidence, and to the equal disgrace of the national candour, integrity, and wisdom.

X.

That, in a letter dated from the same place, Lucknow, the 16th of the following June 1784, the said Warren Hastings informs the Court of Directors, that Major Browne, their agent to the Mogul, had arrived there in the character also of agent from the Mogul, with two sets of instructions from two opposite parties in his ministry, which instructions were directly contrary to each other; the first, which were the ostensible instructions, being

to

to engage the said Hastings, in the Mogul's name, to enter into a treaty of mutual alliance with the Chief of the country, then minister to the said Mogul, called Affrasaib Khân; the second were from another principal person, called Mudjed ul Dowla, also a minister of the said Mogul (but styled in the said letter *confidential*, for distinction), which were directly destructive of the former; and the said latter instructions, to which it seems credence was to be given, were sent "under the most solemn adjurations of secrecy." The purpose of these latter and secret instructions was to require the Company's aid in freeing the Mogul from the oppressions of his servants, namely, from the oppressions of the said *Affrasaib*, between whom and the Company Major Browne (at once agent to that Company, and to two opposite factions in the Mogul's Court) accepted a power to make a treaty of mutual alliance under the sanction of his sovereign; and it does not appear, that he, Warren Hastings, did discountenance the double dealing and fraudulent agencies of his and the Company's minister at that Court; or did disavow any particular in the letter from him the said Browne, of the 30th of December 1783, stating the offers made on his part to the Mogul, so contradictory to his late declarations to the heir apparent of that monarch, or did give any reprimand to the said Browne, or did show any mark of

displeasure against him, as having acted without orders, but did again send him, with renewed consequence, to the Court aforesaid.

XI.

That the said Warren Hastings, still pursuing his said evil designs, did apply to the Council for discretionary powers relative to the intrigues and factions in the Mogul's Court, giving assurances of his resolution not to proceed against their sense; but the said Council, being fully aware of his disposition, and having Major Browne's letter, recorded by himself, the said Warren Hastings, before them, did refuse to grant the said discretionary powers; but, on the contrary, did exhort him "most sedulously and cautiously to avoid, in his correspondence with the different princes in India, whatever may commit, or be strained into an interpretation of committing, the Company, either as to their army or treasure;" observing, "that the Company's orders are positive against their interference in the objects of dispute between the Country Powers."

XII.

That in order to subvert the plain and natural interpretation given by the Council to the orders of the Court of Directors, and to justify his dangerous intrigues, the said Warren Hastings, in his letter of

of the 16th June 1784 to the said Court, did, in a most insolent and contemptuous manner, endeavour to persuade them of their ignorance of the true sense of their own orders, and to limit their prohibition of interference with the disputes of the Country Powers to such Country Powers as are *permanent*; expressing himself as follows: "the "faction, which now surrounds the throne [the "Mogul's throne] is widely different from the idea, "which your commands are intended to convey "by the expressions, to which you have generally "applied them, of *Country Powers*, to which "that of *permanency is a necessary adjunct*; and "which may be more properly compared to a "splendid bubble, which the slightest breath of "opposition may dissipate with every trace of "its existence." By which construction the said Hastings did endeavour to persuade the Court of Directors, that they meant to confine their prohibition of sinister intrigues to those Powers only, who could not be easily hurt by them, and whose strength was such, that their resentment of such clandestine interference was to be dreaded; but that, where the Powers were weak and fragile, such intrigues might be allowed.

XIII.

That the said Hastings, further to persuade the Court of Directors to involve themselves in the

affairs of the Mogul, and to reconcile this measure with his former conduct and declared opinions, did write to them to the following effect; that "at that "former period, to which the ancient policy with "regard to the Mogul applied, the king's authority "was sufficiently respected [which he knew not to "be true, having himself declared, in his Minute "of the 25th of October 1774, 'that he remained "at Delhi, the ancient capital of the empire, a "*mere cipher* in the administration of it'] to main- "tain itself against common vicissitudes. That he "would not have advised interference if the king "himself retained the exercise of it, *however feeble*, "in his own hands. That if it [the Mogul's au- "thority] is suffered to receive its final extinction, "it is impossible to foresee *what Power may arise* "*out of its ruins*, or what events may be linked in "the same chain of revolution with it: but your "interests *may* suffer by it—your reputation *cer-* "*tainly will*, as his right to our assistance has *been* "*constantly acknowledged*, and by a train of con- "sequences, to which our Government has, not "intentionally, given birth; but most especially "by the movements, which *its influence, by too near* "*an approach*, has excited, it has unfortunately "become the efficient instrument of a great portion "of the king's present distresses and dangers;" intimating (as well as the studied obscurity of his expressions will permit any thing to be discerned) that

that his own late intrigues had been among the causes of the distresses and dangers, which, by new intrigues, he did pretend to remove: and he did conclude this part of his letter with some loose general expressions of his caution not to affect the Company's interests or revenues by any measures he might at that time take.

XIV.

That the principle, so far as the same hath been directly avowed, of the said proceedings at the Mogul's Court was as altogether irrational, and the pretended object as impracticable, as the means taken in pursuit of it were fraudulent and dishonourable, namely, the restoration of the Mogul in some degree to the dignity of his situation, and to his free-agency in the conduct of his affairs. For the said Hastings, at the very time, in which he did with the greatest apparent earnestness urge the purpose, which he pretended to have in view, with regard to the dignity and liberty of the Mogul Emperour, did represent him as a person wholly disqualified, and even indisposed, to take any active part whatsoever in the conduct of his own affairs; and that any attempt for that purpose would be utterly impracticable: and this he hath stated to the Court of Directors as a matter of publick notoriety, in his said letter of the 16th of June 1784, in the following emphatical and decisive terms:

" *You need not be told* the character of the king, " whose inertness, and the habit of long-suffering, " has debased his dignity and the fortunes of his " house *beyond the power of retrieving either the* " *one or the other.* Whilst his personal repose " is undisturbed, he will *prefer* to live in the " *meanest state of indigence,* under the rule of men, " whose views are bounded by avarice, and the " power, which they derive from his authority, rather " than commit any share of it to his own sons, " though his affection for them is boundless in every " other respect; from a natural jealousy, founded " on the experience of a very different combination " of those circumstances, which once served as a " temptation and example of unlawful ambition in " the princes of the royal line. His ministers, from " a policy more reasonable, have constantly em- " ployed every means of influence to confirm this " disposition, and to prevent his sons from having " any share in the distribution of affairs, so as to " have established a complete usurpation of the " royal prerogative under its own sanction and " patronage."

XV.

That the said Warren Hastings, having given this opinion of the sovereign, for whose freedom he pretended so anxious a concern, did describe the minister, with whom he had long acted in concurrence, and from whom he had just received the extraordinary

extraordinary secret embassy aforesaid for the purpose of effecting the deliverance of his master, the Mogul, from the usurpations of *his ministers*, as follows;—"The first minister, Mudjud ul "Dowla, is *totally* deficient in every military qua- "lity; conceited of his own superiour talents; and "formed to the practice of *that crooked policy*, "*which generally defeats its own purpose*, but sin- "cerely attached to his master." The reality of the said attachment was not improbable, but altogether useless, as the said minister was the only one among the principal persons about the king, who (besides the total want of all military and civil ability) possessed no territories, troops, or other means of serving and supporting him, but was himself solely upheld by his influence over his master; neither doth the said Hastings free him any more than the persons more efficient, who were to be destroyed, from a disposition to alienate the king from an attention to his affairs, and from all confidence in his own family; but, on the contrary, he brings him forward as the very first among the instances he adduces to exemplify the practices of the ministers against their sovereign and his children.

XVI.

That the said Warren Hastings, recommending in general terms, and yet condemning in detail, every part of his own pretended plan, as impracticable

tice'ble in itself, and as undertaken in favour of persons, all of whom he describes as incapable and the principal as indisposed to avail himself thereof, must have had some other motives for this long, intricate, dark, and laborious proceeding with the Mogul, which must be sought in his actions and the evident drift and tendency thereof, and in declarations, which were brought out by him to serve other purposes, but which serve fully to explain his real intentions in this in rigue.

XVII.

That the other Members of the Council-General having abundantly certified their averseness to his intrigues, and even having shown apprehensions of his going personally to the Mogul and the Mahrattas for the purpose of carrying on the same, the said Hastings was driven headlong to acts, which did much more openly indicate the true nature and purpose of his machinations; for he at length recurred directly, and with little disguise, to the Mahrattas, and did open an intrigue with them, although he was obliged to confess, in his letter aforesaid of the 16th June 1784, that the exception, which he contended to be implied in the orders of the Court of Directors, forbidding the intermeddling in the disputes of "the Country "Powers," namely, "Powers not permanent," did by no means apply to the Mahrattas; and he informs

forms the Court of Directors, that he did, on the ry first advice he received of the flight of the ogul's son, write to Mr. James Anderson, to pprize the Mahratta Chief Scindia of that event; for which, as he was unprepared, he desired his "[the said Scindia's] advice for his conduct on the "occasion of it." Which method of calling for the advice of a foreign power to regulate his political conduct, instead of being regulated therein by the advice of the British Council, and the standing orders of the Court of Directors, was a procedure highly criminal; and the crime is aggravated by his not communicating the said correspondence to the Council-General, as by his duty he was bound to do; but it does abundantly prove his concert with the Mahrattas in all, that related to his negotiations in the Mogul Court, which were carried on agreeably to their advice, and in subserviency to their views and purposes.

XVIII.

That, in consequence of the cabal begun with the Mahrattas, the said Chief Scindia did send his "familiar and confidential ministers" to him the said Hastings, being at Lucknow, with whom the said Hastings did hold several secret conferences, without any secretary, or other assistant; and the said Hastings hath not conveyed to the Court of Directors any Minutes thereof, but hath purposely involved

involved even the general effect and tendency of these conferences in such obscurity, that it is no otherwise possible to perceive the drift and tendency of the same, but by the general scope of counsels and acts relative to the politicks of the Mogul, and of the Mahrattas together, and by the final event of the whole, which is sufficiently visible. For

XIX.

That the said Hastings had declared, in his said letter of the 16th June 1784, that the Mogul's right to our assistance had been constantly acknowledged; that the Mogul had been oppressed by the lesser Mahomedan princes in the character of his officers of state, and military commanders; and he did plainly intimate, that the said Mogul ought to be relieved from that servitude. And he did, in giving an account to the Court of Directors of the conferences aforesaid, assure them, that "his inclinations [the inclinations of the Mahratta Chief aforesaid] were not very dissimilar from his own;" and that "neither in this, nor in any other instance, would he suffer himself to be drawn into measures, which shall tend to weaken their connexion, nor *in this even to oppose his* [the said Chief's] *inclinations*;" the said Hastings well knowing, as in his letter to Colonel Müir he has confessed, that the inclinations of the said Scindia were to seize on the Mogul's territories, and that he himself did secretly

secretly concur therein, though he did not formally insert his concurrence in the treaty with the said Mahratta chief. It is plain, therefore, that he did all along concur with the Mahrattas in their designs against the said king and his ministers, under the treacherous pretence of supporting the authority of the former against the latter, and did contrive and effect the ruin of them all.—For, first, he did give evil and fraudulent counsel to the heir apparent of the Mogul "to make advances to the Mahrattas," when he well knew, and had expressly concurred in, the designs of that state against his father's [the Mogul's] dominions; and further to engage and entrap the said prince, did assert, that "our Government" [meaning the British Government] "was in intimate and sworn connexion with Mahadajee Scindia," when no alliance, offensive or defensive, appears to exist between the said Scindia and the East-India Company, nor can exist, otherwise than in virtue of some secret agreement between him the said Scindia and Warren Hastings, entered into by the latter without the knowledge of his colleagues, and the government, and never communicated to the Court of Directors. And secondly, he did, in order to further the designs of the Mahrattas, contrive and effect the ruin of the said Mogul and his authority by setting on foot, through the aforesaid Major Browne, sundry perplexed and intricate negotiations, contrary to publick faith,

faith, and to the honour of the British nation; by which he did exceedingly increase the confusion and disorders of the Mogul's Court, exposing the said Mogul to new indignities, insults, and distresses, and almost all of the northern parts of India to great and ruinous convulsions, until three out of four of the principal Chieftains, some of them possessing the territories lately belonging to Nudjiff Cawn, and maintaining among them eighty thousand troops of horse and foot, and some of which Chiefs were the ministers aforesaid, being cut off by their mutual dissensions, and the fort of Delhi being at length delivered to the Mahrattas, the said Scindia became the uncontrolled ruler of the royal army; and the person of the Mogul, with the use of all his pretensions and claims, fell into the hands of a nation already too powerful, together with an extensive territory, which entirely covers the Company's possessions and dependencies on one side, and particularly those of the Nabob of Oude.

XX.

That the circumstances of these countries did, in the opinion of the said Warren Hastings himself, sufficiently indicate to him the necessity of not aggrandizing any Power whatsoever on their borders, he having in the aforesaid letter of the 16th June given a deliberate opinion of the situation of Oude, in the words following: "that, "whilst

" whilst we are at peace with the Powers of Eu-
" rope, it is only in this quarter, that your posses-
" sions under the Government of Bengal are
" vulnerable." And he did further in the said letter state, that, " if things had continued as they " had been to that time with a divided govern-
" ment," [viz. the Company's and the Vizier's, which government he had himself established, and under which it ever must in a great degree remain, whilst the said country continues in a state of de-
" pendence] " the *slightest* shock from a foreign
" hand, or even an *accidental internal commotion*,
" might have thrown the whole into confusion,
" and produced the most fatal consequences." In this perilous situation he made the above-recited sacrifices to the ambition of the Mahrattas, and did all along so actively countenance and forward their proceedings, and with so full a sense of their effect, that in his Minute of the 24th December 1784 he has declared, " that in the countries,
" which border on the dominions of the Nabob
" Vizier, or on that quarter of our own, in effect
" *there is no other Power.*" And he did further admit, that the presence of the Mahratta Chief aforesaid, so near the borders of the Nabob's dominions, was no cause of suspicion; for, " that it
" is the effect *of his own solicitation*, and is *so far*
" the effect of an act of that Government."

XXI.

XXI.

That, in further pursuit of the same pernicious design, he the said Warren Hastings did enter into an agreement to withdraw a very great body of the British troops out of the Nabob's dominions; asserting, however truly, yet in direct contradiction to his own declarations, that "this Government "[meaning the British Government] has not any "right to force defence with its maintenance upon "him" [the Nabob]; and he did thus not only avowedly aggrandize the Mahratta state, and weaken the defence upon the frontier, but did as avowedly detain their Captain-General in force on that very frontier, notwithstanding he was well apprized, that they had designs against those dependant territories of Oude, which they had with great difficulty been persuaded, even in appearance, to include in the treaty of peace; and that they have never renounced their claims upon certain large and valuable portions of them, and have shown evident signs of their intentions, on the first opportunity, of asserting and enforcing them. And finally, the said Warren Hastings, in contradiction to sundry declarations of his own concerning the necessity of curbing the power of the Mahrattas, and to the principle of sundry measures undertaken by himself professedly for that purpose, and to the sense of the House of Commons expressed in

heir Resolution of 28th May 1782 against any neasures, that tended to unite the dangerous powers of the Mahratta empire under one active command, has endeavoured to persuade the Company, hat, " while Scindia lives, every accession of ter- ' ritory obtained by him will be an advantage to ' this [the British] Government;" which, if it was true as respecting the personal dispositions of Scindia, which there is no reason to believe, yet t was highly criminal to establish a power in the Mahrattas, which must survive the man, in confidence of whose personal dispositions a power nore than personal was given, and which may nereafter fall into hands disposed to make a more nostile use of it.

XXII.

That in consequence of all the before-recited intrigues, the Mogul Emperour being in the hands of the Mahrattas, he the said Mogul has been obliged to declare the head of the Mahratta state to be vicegerent of the Mogul empire, an authority, which supersedes that of Vizier, and has thereby consolidated in the Mahratta state all the powers acknowledged to be of legal authority in India; in consequence of which they have acquired, and have actually already attempted to use, the said claims of general superiority against the Company itself; the Mahrattas claiming a right in themselves to a fourth part of the revenues

of

of all the provinces in the Company's possession, and claiming, in right of the Mogul, the tribute due to him; by which actings and doings the said Hastings has to the best of his power brought the British provinces in India into a dependence on the Mahratta state; and in order to add to the aforesaid enormous claims a proportioned force, he did never cease, during his stay in India, to contrive the means for its increase; for it is of publick notoriety, that one great object of the Mahratta policy is to unite under their dominion the nation or religious sect of the Seiks, who being a people abounding with soldiers, and possessing large territories, would extend the Mahratta power over the whole of the vast countries to the north-west of India.

XXIII.

That the said Warren Hastings, further to augment the power of the said Mahrattas, and to endanger the safety of the British possessions, having established in force the said Mahrattas on the frontier, as afore recited, and finding the Council-General averse in that situation to the withdrawing the British forces therefrom, and for disbanding them to the extent required by the said Hastings, did in a Minute of the 4th December 1784, after stating a supposition, that, contrary to his opinion, the said troops should not be reduced, propose to employ them under the

the command of the Mogul's son, then under the influence of the Mahrattas, in a war against the aforesaid people or religious sect called Seiks, defending the same on the following principles: "I feel the sense of an obligation imposed on me, "by the supposition I have made, to state a mode "of rendering the detachment of use in its pre- "scribed station, and of affording the *appearance* "of a cause for its retention."

XXIV.

That the said Hastings did admit, that there was no present danger to the Company's possessions from that nation, which could justify him in such a war, as he had declared, that the Mahrattas were the *only power*, that bordered on the Company's possessions and those of the Vizier; but he did assign as a reason for going to war with them their military and enthusiastick spirit; the hardness of their natural constitution; the dangers, which might arise from them in some future time, if they should ever happen to be united under one head, they existing at present in a state little different from anarchy; and he did predict great danger from them, and at no very remote period, "if this people be permitted to grow into matu- "rity without interruption." And though he doth pretend, that the solicitations of the heir apparent of the Mogul, who he says did repeatedly and

earnestly solicit him to obtain the permission to use the Company's troops for the purpose aforesaid, had weight with him; yet he doth declare, as he expresses himself in the Minute aforesaid, that "a *stronger impulse*, arising from the hope "of *blasting the growth* of a generation, whose "strength *might* become fatal to our own, strongly "pleaded in my mind for supporting his wishes."

XXV.

That the said Warren Hastings, after forcibly recommending the plan aforesaid, did state strong objections, that did, "in his judgment, outweigh "the advantages, which might arise from a com-"pliance with it." Yet the said Hastings, being determined to pursue his scheme for aggrandizing, at any rate, the Mahratta power, in whose adult growth, and the recent effects of it, he could see no danger, did pursue the design of war against a nation or sect of religion in its infancy, from whom he had received no injury, and in whose present state of government he did not apprehend any mischief whatsoever; and finding the Council fixed and determined on not disbanding the frontier regiments, and thinking, that therein he had found an advantage, he did ground thereon the following proposition:

"If the expense [of the frontier troops] is to "be continued, it may be surely better continued

" for some useful purpose, than to keep up the " parade of a great military corps, designed merely " to lie inactive in its quarters. On this ground " therefore, and on the supposition premised, I " revert to my original sentiments in favour of " the prince's plan; but as this will require some " qualification in the execution of it, I will state " my recommendation of it in the terms of a pro- " position, viz. that if it shall be the resolution " of the Board to continue the detachment now " under the command of Colonel Sir John " Cumming at Furruckabad; and if the prince " Mirza Jehander Shâh shall apply, *with the au-* " *thority of the king, and the concurrence of* " *Madajee Scindia*, for the assistance of an English " military force to act in conjunction with him, " to expel the Seiks from the territories, of which " they have lately possessed themselves in the " neighbourhood of Delhi, it may be granted, " and such a portion of the said detachment allot- " ted to that service as shall be hereafter judged " adequate to it."

XXVI.

That the said Warren Hastings did, in the said proposal, endeavour to circumvent and overreach the Council-General by converting an apparent and literal compliance with their resolution into a real and substantial opposition to and disappointment thereof. For his first proposal was to

withdraw the Company's troops from the Vizier's country on the pretence of relieving him from the burthen of that establishment, but in reality with a view of facilitating the Mahratta pretensions on that province, which would then be deprived of the means of defence. And when the Council rejected the said proposal on the express ground of danger to the province by withdrawing from the Mahrattas the restraint of our troops, the said Hastings, finding his first scheme in favour of the Mahrattas against the provinces dependant on the Company defeated by the refusal of the Council to concur in the said measure of withdrawing the troops, did then endeavour to obtain the same purpose in a different way; and instead of leaving the troops, according to the intention and policy of the Council, as a check to the ambition and progress of the Mahrattas, he proposed to employ them in the actual furtherance of those schemes of aggrandizement, of which his colleagues were jealous, and which it was the object of their resolution to counteract.

XXVII.

That in the whole of the letters, negotiations, proposals, and projects of the said Warren Hastings, relative to the Mogul, he did appear to pursue but one object, namely, the aggrandizement of the lately hostile and always dangerous power of the Mahrattas; and did pursue the same by means highly

highly dishonourable to the British character for honour, justice, candour, plain-dealing, moderation, and humanity.

XIX. LIBEL ON THE COURT OF DIRECTORS.

I.

THAT Warren Hastings, Esquire, was, during the whole of the year 1783, a servant of the East-India Company, and was bound by the duties of that relation not only to yield obedience to the orders of the Court of Directors, but to give to the whole of their service an example of submission, reverence, and respect to their authority: and that if they should in the course of their duty call in question any part of his conduct, he was bound to conduct his defence with temper and decency; and while his conduct was under their consideration, it was not allowable to print and publish any of his letters to them, without their consent first had and obtained; and he was bound by the same principles of duty, enforced by still more cogent reasons, to observe, in a paper intended for publication, great modesty and moderation, and to treat the said Court of Directors, his lawful masters, with respect.

 II. That

II.

That the said Warren Hastings did print and publish, or cause to be printed and published, at Calcutta in Bengal, the narrative of his transactions at Benares, in a letter written at that place, without leave had of the Court of Directors, in order to pre-occupy the judgment of the servants in that settlement, and to gain from them a factious countenance and support, previous to the judgment and opinion of the Court of Directors, his lawful superiours.

III.

That the Court of Directors having come to certain resolutions of fact relative to the engagements subsisting between them and the Rajah of Benares, and the manner, in which the same had been fulfilled on the part of the Rajah, did, in the fifth resolution, which was partly a resolution of opinion, declare as follows :—" That it appears to " this Court, that the conduct of the Governour-" General towards the Rajah, whilst he was at " Benares, was improper; and that the imprison-" ment of his person, thereby disgracing him in " the eyes of his subjects, and others, was unwar-" rantable and highly impolitick, and may tend to " weaken the confidence, which the native princes " of India ought to have in the justice and mo-" deration of the Company's government."

IV. That

IV.

That the said resolutions being transmitted to the said Warren Hastings, he, the said Warren Hastings, did write, and cause to be printed and published, a certain false, insolent, malicious, and seditious libel, purporting to be a letter from him, the said Warren Hastings, to the Court of Directors, dated Fort-William, 20th March 1783, " calculated [as the Directors truly affirm] to bring " contempt, as well as an odium, on the Court of " Directors for their conduct on that occasion;" and the said libel had a direct tendency to excite a spirit of disobedience to the lawful Government of this nation in India through all ranks of their service.

V.

That he, the said Warren Hastings, among other insolent and contumacious charges and aspersions on the Court of Directors, did address them in the printed letter aforesaid, as follows:—" I " deny, that Rajah Cheit Sing was a native prince " of India. Cheit Sing is the son of a collector " of the revenue of that province, which his arts, " and the misfortunes of his master, enabled him " to convert to a permanent and hereditary pos- " session. This man, whom *you have thus ranked* " *among the princes* of India, will be astonished, " when he hears it, at an elevation so unlooked " for; nor less at the independent rights, which

" *your* commands have assigned him; rights, which " are so *foreign to his conceptions, that I doubt* " *whether he will know in what language to assert* " *them*; *unless* the example, which *you have* " *thought it consistent with justice, however oppo-* " *site to policy, to show, of becoming his advocates* " *against your own interests, should inspire any of* " *your own servants to be his advisers and instruc-* " *ters.*" And he did further, to bring into contempt the authority of the Company, and to excite a resistance to their lawful orders, frame a supposition, that the Court of Directors had intended the restoration of the Rajah of Benares; and on that ground did presume in the said libel to calumniate, in disrespectful and contumelious terms, the policy of the Court of Directors, as well as the person, whom he did conceive to be the object of their protection, as followeth:—" Of the consequences " of such a policy, I forbear to speak. *Most* " *happily the wretch, whose hopes may be excited* " *by the appearances in his favour, is ill qualified* " *to avail himself of them*, and the *force, which is* " *stationed in the Province of Benares, is sufficient* " *to suppress any symptoms of internal sedition*; " but it cannot fail to create distrust and suspense " in the minds both of the rulers and of the people, " and such a state is always productive of dis- " order. But it is not in this partial considera- " tion, that I dread the effects of your commands; " it is in your proclaimed indisposition against

" the

" the first executive member of your first Govern-
" ment in India. I almost shudder at the re-
" flection of what might have happened, had these
" denunciations against your own minister, in fa-
" vour of a man universally considered in this
" part of the world as justly attainted for his
" crimes, the murderer of your servants and sol-
" diers, and the rebel to your authority, arrived
" two months earlier."

VI.

That the said Warren Hastings did also presume to censure and asperse the Court of Directors for the moderate terms, in which they had expressed their displeasure against him, as putting him under the necessity of stating in his defence a strong accusation against himself; and as implying in the said Court a consciousness, that he was not guilty of the offences charged upon him, being, as he asserts, in the resolutions of the Court of Directors, " arraigned and prejudged of a *violation*
" *of national faith in acts of such complicated*
" *aggravation*, that, *if they were true*, no punish-
" ment *SHORT OF DEATH* could atone for
" the injury, which the interest and credit of the
" Publick had sustained in them :" and he did therefore censure the said Court for applying no stronger or more criminating epithets than those of " improper, unwarrantable, and highly impolitick," to an offence so by them charged, and by him described. And though it be true, that the expressions

expressions aforesaid are much too reserved for the purpose of duly characterizing the offences of the said Hastings, yet was it in *him* most indecent to libel the Court of Directors for the same; and his implication, from the tenderness of the epithets and descriptions aforesaid used towards him, was not only indecent, but ungrounded, malicious, and scandalous; he having himself highly, though truly, aggravated "the charge of the injuries done "by him to the Rajah of Benares," in order to bring the said Directors into contempt and suspicion; the paragraphs in the said libel being as follow: "Here I must crave leave to say, that "the terms 'improper, unwarrantable, and highly "impolitick,' are much too gentle, as deductions "from such premises; and as every reader of the "latter will obviously feel, as he reads, the deduc- "tions, which inevitably belong to them, I will "add, that the strict performance of solemn en- "gagements on one part, followed by acts directly "subversive of them, and by total dispossession "on the other, stamps on the perpetrators of the "latter the guilt of the greatest possible violation "of faith and justice."—"There is an appearance "of tenderness in this deviation from plain con- "struction, of which, however meant, I have a "right to complain; because it imposes on me "the necessity of framing the terms of the accu- "sation against myself, which you have only not

"made,

" made, but have stated the leading arguments to
" it so strongly, that no one, who reads these, can
" avoid making it, *or not know it to have been*
" *intended.*"

VII.

That the said Hastings, being well aware, that his own declarations did contain the clearest condemnation of his own conduct from his own pen, did, in the said libel, attempt to overturn, frustrate, and render of none effect, all the proofs to be given of prevarication, contradiction, and of opposition of action to principle, which can be used against men in publick trust, and did contend, that the same could not be used against him; and, as if false assertions could be justified by factious motives, he did endeavour to do away the authority of his own *deliberate, recorded* declarations, entered by him *in writing* on the council-books of the Presidency; for, after asserting, *but not attempting to prove,* that his declarations were consistent with his conduct, he writes in the said libel as follows: for " were it otherwise, they were not
" to be made the rules of my conduct; and God
" forbid, that every expression dictated by the
" impulse of present emergency, and unpremedi-
" tatedly uttered in the heat of party contention,
" should impose upon me the obligation of a fixed
" principle, and be applied to every variable
" occasion."

VIII. That

VIII.

That the said Hastings, in order to draw the lawful dependence of the servants of the Company from the Court of Directors to a factious dependence on himself, did, in the libel aforesaid, treat the acts and appointments of their undoubted authority, when exercised in opposition to his arbitrary will, as ruinous to their affairs, in the following terms: "It is as well known to the "Indian world, as to the Court of English pro- "prietors, that the first declaratory instruments "of the dissolution of my influence, in the year "1774, were Mr. John Bristow and Mr. Francis "Fowke. By your ancient and known constitu- "tion the Governour has been ever held forth "and understood to possess the ostensible powers "of Government; all the correspondence with "foreign princes is conducted in his name; and "every person resident with them for the manage- "ment of your political concerns is understood to "be *more especially his* representative, and of *his* "choice—and such ought to be the rule; for how "otherwise can they trust an agent nominated "against the will of *his* principal? When the "state of this administration was such as seemed "to *admit of* the appointment of Mr. Bristow to "the Residency of Lucknow without *much* dimi- "nution of *my own* influence, I gladly seized the "occasion

" occasion to show my readiness to submit to " your commands: I proposed his nomination; " he was nominated and declared to *be the agent* " *of my own choice.* Even this effect of my " caution *is defeated by your absolute command* " *for his re-appointment independent of me, and* " *with the supposition, that I should be adverse to it.* " —I am now wholly deprived of my official " powers both in the Province of Oude, and in " the Zemindarry of Benares."

IX.

That, further to emancipate others and himself from due obedience to the Court of Directors, he did, in the libel aforesaid, enhance his services; which, without specification or proof, he did suppose in the said libel to be important and valuable, by representing them as done under their displeasure; and doth attribute his not having done more to their opposition, as followeth:—" It is " now a complete period of eleven years since I " first received the first nominal charge of your " affairs; in the course of it I have *invariably* had " to contend, not with ordinary difficulties, but " such as most *unnaturally* arose *from the op-* " *position of those very powers, from which I pri-* " *marily derived my authority, and which were* " *required for the support of it.* My exertions, " though applied to an unvaried and consistent " line

" line of action, have been occasional and desul-
" tory; yet I please myself with the hope, that
" in the annals of your dominion, which shall be
" written after the extinction of recent prejudices,
" this term of its administration will appear not
" the least conducive to the interests of the Com-
" pany, nor the least reflective of the honour of
" the British name; and allow me to suggest the
" instructive reflection of *what good might have*
" *been done, and what evil prevented, had due sup-*
" *port been given to that administration, which has*
" *performed such eminent and substantial services*
" *without it.*"

And the said Hastings, further to render the authority of the said Court perfectly contemptible, doth, in a strain of exultation for his having escaped out of a measure, in which by his guilt he had involved the Company in a ruinous war, and out of which it had escaped by a sacrifice of almost all the territories before acquired (from that enemy, which he had made) either by war, or former treaties, and by the abandoning the Company's allies to their mercy, attribute the said supposed services to his acting in such a manner as had on former occasions excited their displeasure, in the following words:

" Pardon, honourable Sirs, this digressive exul-
" tation; I cannot suppress the pride, which I feel
" in this successful achievement of a measure

" so

" so fortunate for your interests, and the national " honour; for that pride is the source of my zeal, " so frequently exerted in your support, and never " more happily than in those instances, *in which* " *I have departed from the prescribed and beaten* " *path of action, and assumed a responsibility,* " *which has too frequently drawn on me the most* " *pointed effects of your displeasure.* But however " I may yield to my private feelings in thus en- " larging on the subject, my motive in introducing " it was immediately connected with its context, " and was to contrast *the actual state of your* " *political affairs, derived from a happier influence,* " *with that, which might have attended an earlier* " *dissolution of it:*" and he did value himself upon " the *patience* and temper, with which he " had submitted to all the indignities, which have " been heaped upon him [meaning by the said " Court of Directors] in this long service:" and he did insolently attribute to an unusual strain of zeal for their service, that he " *persevered* in the " VIOLENT MAINTENANCE OF HIS " OFFICE."

X.

That in order further to excite the spirit of disobedience in the Company's servants to the lawful authority set over them, he the said Warren Hastings did treat contemptuously and ironically the supposed disposition of the Company's servants to obey

obey the orders of the Court of Directors, in the words following: " the recall of Mr. Markham, " who was known to be the publick agent of my " own nomination at Benares, and the re-appoint- " ment of Mr. Francis Fowke by your order, con- " tained in the same letter, would place it [the " restoration of Cheit Sing] beyond a doubt. *This* " *order has been obeyed; and whenever you shall be* " *pleased to order the restoration of Cheit Sing, I* " *will venture to promise the same ready and exact* " *submission in the other members of the Council;*" and he did, in the postscript of the said letter, and as on recollection, endeavour to make a reparation of honour to his said colleagues, as if his expressions aforesaid had arisen from animosity to them, as follows: " upon a careful revisal of what I have " written, I fear, that an expression, which I have " used, respecting the probable conduct of the " Board, in the event of orders being received for " the restoration of Cheit Sing, may be construed " as intimating a sense of dissatisfaction, applied to " transactions already past.—It is not my inten- " tion to complain of any one."

XI.

That the said Hastings, in the acts of injury aforesaid to the Rajah of Benares, did assume and arrogate to himself an illegal authority therein, and did maintain, that the acts done in consequence of that

that measure were not revocable by any subsequent authority, in the following words: " if you " should proceed to order the restoration of Cheit " Sing to the Zemindarry, from which, *by the powers,* " *which I legally possessed,* and conceive myself " legally *bound to assert* against any *subsequent* " *authority to the contrary,* derived from the *same* " *common source,* he was dispossessed for crimes of " the greatest enormity, and your Council shall " resolve to execute the order, I will instantly give " up my station and the service."

XII.

That the said Warren Hastings did attempt to justify his publication of the said libellous letter to and against the Court of Directors by asserting therein, that these resolutions [meaning the resolutions of the Court of Directors, relative to the Rajah of Benares] " were *either* published, or *in-* " *tended* for publication;" evidently proving, that he did take this unwarrantable course without any sufficient assurance, that the ground and motive by him assigned had any existence.

XX. MAHRATTA WAR, AND PEACE.

I.

THAT by an Act passed in 1773 it was expressly ordered and provided, "that it should not "be lawful for any President and Council at Ma- "dras, Bombay, or Bencoolen, for the time being, "to make any orders for commencing hostilities, "or declaring or making war, against any Indian "princes or powers, or for negotiating or conclud- "ing any treaty of peace, or other treaty, with any "such Indian princes or powers, without the con- "sent and approbation of the Governour-General "and Council first had and obtained, except in "such cases of *imminent necessity* as would ren- "der it dangerous to postpone such hostilities or "treaties, until the orders from the Governour- "General and Council might arrive."—That nevertheless the President and Council of Bombay did, in December 1774, without the consent and approbation of the Governour-General and Council of Fort-William, and in the midst of profound peace, commence an unjust and unprovoked war against the Mahratta Government; did conclude a treaty with a certain person, a fugitive from that government,

government, and proscribed by it, named Ragonaut Row, or Ragoba; and did, under various base and treacherous pretences, invade and conquer the island of Salsette, belonging to the Mahratta Government.

II.

That Warren Hastings, on the first advices received in Bengal of the above transactions, did condemn the same in the strongest terms; declaring, that "the measures adopted by the Presidency "of Bombay had a tendency to a very extensive "and indefinite scene of troubles; and that their "conduct was unseasonable, impolitick, unjust, and "unauthorized."——And the Governour-General and Council, in order to put a stop to the said unjust hostilities, did appoint an ambassadour to the Peshwa or Chief of the Mahratta State, resident at Poona; and the said ambassadour did, after a long negotiation, conclude a definitive treaty of peace with the said Peshwa on terms highly honourable and beneficial to the East-India Company, who by the said treaty obtained from the Mahrattas a cession of considerable tracts of country, the Mahratta share of the city of Broach, twelve lacks of rupees for the expenses of the said unjust war, and particularly the island of Salsette, of which the Presidency of Bombay had possessed themselves by surprise and treachery; that in return for these extraordinary concessions, the articles principally

insisted on by the Mahrattas, with a view to their own future tranquillity and internal quiet, were, that *no assistance should be given to any subject or servant of the Peshwa, that should cause disturbances or rebellion in the Mahratta dominions*, and particularly that the English *should not assist Ragonaut Row*, to whom the Mahrattas agreed to allow five lacks of rupees a year, or a Jaghire to that amount, and that he should reside at Benares; that nevertheless the Presidency of Bombay did receive and keep Ragonaut Row at Bombay, did furnish him with a considerable establishment, and continue to carry on secret intrigues and negotiations with him, thereby giving just ground of jealousy and distrust to the Mahratta State; that the late Colonel John Upton, by whom the treaty of Poorunder was negotiated and concluded, did declare to the Governour-General and Council, "that while Ragonaut Row resides at Bombay "in expectation of being supported, the ministers "can place no confidence in the Council there; "which must now be productive of the greatest "inconveniencies, and perhaps in the end of fatal "consequences." That the said Warren Hastings, concurring with his Council, which then consisted of Sir John Clavering, Richard Barwell, and Philip Francis, Esquires, did, on the 18th of August 1777, declare to the Presidency of Bombay, that "he "could see no reason to doubt, that the presence of

"Ragoba

" Ragoba at Bombay would continue to be an " *insuperable bar* to the completion of the treaty " concluded with the Mahratta Government; nor " could any sincere cordiality and good under- " standing be established with them, as long as he " should appear to derive encouragement and sup- " port from the English." That Sir John Clavering died soon after, and that the late Edward Wheler, Esquire, succeeded to a seat in the Supreme Council. That on the 29th of January 1778, the Governour-General and Council received a letter from the Presidency of Bombay, dated 12th December 1777, in which they declared, " that they had agreed to give encourage- " ment to a *party* formed in Ragoba's favour, and " flattered themselves they should meet with the " hearty concurrence of the Governour-General " and Council in the measures they might be " obliged to pursue in consequence." That the *party* so described was said to consist of four principal persons in the Mahratta State, on whose part *some overtures* had been made to Mr. William Lewis, the Resident of Bombay, at Poona, *for the assistance of the Company to bring Ragoba to Poona.* That the said Warren Hastings, immediately on the receipt of the preceding advices, did propose and carry it in Council, by means of his casting voice, and against the remonstrances, arguments, and solemn protest of two members of the Supreme

Council, that the *sanction* of that Government should be given to the plan, which the President and Council of Bombay had agreed to form with the Mahratta Government; and also, that a supply of money (to the amount of ten lacks of rupees) should be immediately granted to the President and Council of Bombay *for the support of their engagements above mentioned*; and also that a military force should be sent to the Presidency of Bombay. That in defence of these resolutions the said Warren Hastings did falsely pretend and affirm, "that the resolution of the Presidency of "Bombay was formed on such a case of *imminent* "*necessity* as would have rendered it dangerous "to postpone the execution of it until the orders "from the Governour-General and Council might "arrive; and that the said Presidency of Bombay "*were warranted by the treaty of Poorunder* to "join in a plan for conducting Ragonaut Row to "Poona on the application of the ruling part of the "Mahratta State;" whereas the main object of the said treaty on the part of the Mahrattas, and to obtain which they made many important concessions to the India Company, was, that the English should withdraw their forces, and give no assistance to Ragoba, and that he should be excluded for ever from any share in their Government, being a person *universally held in abhorrence* in the Mahratta Empire; and if it had been true (instead of being, as

it was, notoriously false) that the *ruling part* of the administration of the Mahratta State solicited the return of Ragonaut Row to Poona, his return in that case might have been effected by acts of their own, without the interposition of the English power, and without our interference in their affairs. That it was the special duty of the said Warren Hastings, derived from a special trust reposed in him, and power committed to him by Parliament, to have restrained, as by law he had authority to do, the subordinate Presidency of Bombay from entering into hostilities with the Mahrattas, or from making engagements, the manifest tendency of which was to enter into those hostilities, and to have put a stop to them, if any such had been begun. That he was bound by the duty of his office to preserve the faith of the British Government, pledged in the treaty of Poorunder, inviolate and sacred, as well as by the special orders and instructions of the East-India Company *to fix his attention to the preservation of peace throughout India*; all which important duties the said Warren Hastings did wilfully violate, in giving the *sanction* of the Governour-General and Council to the dangerous, faithless, and ill-concerted projects of the President and Council of Bombay hereinbefore mentioned, from which the subsequent Mahratta war, with all t expense, distress, and disgraces, which tended it, took their commencement; and

said Warren Hastings therefore is specially and principally answerable for the said war, and for all the consequences thereof. That in a letter dated the 20th of January 1778, the President and Council of Bombay informed the Governour-General and Council, that in consequence of later intelligence received from Poona, they had *immediately resolved, that nothing further could be done, unless Saccaram Baboo the principal in the late treaty* (of Poorunder) *joined in making a formal application to them.* That no such application was ever made by that person. That the said Warren Hastings finding, that all this pretended ground for engaging in an invasion of the Mahratta Government had totally failed, did then pretend to give credit to, and to be greatly alarmed by, the suggestions of the President and Council of Bombay, that the Mahrattas were negotiating with the French, and had agreed to give them the port of Choul, on the Malabar coast, and did affirm, that the French *had obtained possession of that port*; that all these suggestions and assertions were false; and if they had been true, would have furnished no just occasion for attacking either the Mahrattas or the French, with both of whom the British nation was then at peace:—that the said Warren Hastings did then propose and carry the following resolution in Council, against the protest of two members thereof, that, "for the purpose of granting you

"(the

' (the Presidency of Bombay) the most effectual " support in our power, we have resolved to as- " semble a strong military force near Calpee, the " commanding officer of which is to be ordered to " march, by the most practicable route, to Bombay, " or to such other places as future occurrences, " and your directions to him, may render it ex- " pedient." And with respect to the *steps* said to be taking *by the French to obtain a settlement on the Malabar coast*, the said Warren Hastings did declare to the Presidency of Bombay, " that it was " the opinion of the Governour-General and " Council, that no time ought to be lost in forming " and carrying into execution such measures as " might most effectually tend to frustrate such " dangerous designs :"——that the said Warren Hastings therefore, instead of fixing his attention to the preservation of peace throughout India, as it was his duty to have done, did continue to abet, encourage, and support the dangerous projects of the Presidency of Bombay, and did thereby manifest a determined intention to disturb the peace of India, by the unfortunate success of which intention, and by the continued efforts of the said Hastings, the greater part of India has been for several years involved in a bloody and calamitous war. That both the Court of Directors and Court of Proprietors did specially instruct the said Warren Hastings, in all his measures, " to make the safety and

" prosperity

" prosperity of Bengal his principal object," and did heavily censure the said Warren Hastings for having employed their troops at a great distance from Bengal in a war against the Rohillas, which the House of Commons have pronounced to be *iniquitous*, and did on that occasion expressly declare, " that they disapproved of all such distant " expeditions as might eventually carry their forces " to any situation too remote to admit of their " speedy and safe return to the protection of their " own provinces, in case of emergency." That the said Warren Hastings nevertheless ordered a detachment from the Bengal army to cross the Jumna, and to proceed across the Peninsula by a circuitous route through the Diamond country of Bundle Cund, and through the dominions of the Rajah of Berar, situated in the centre of Hindostan, and did thereby strip the provinces subject to the Government of Fort-William of a considerable part of their established defence, and did thereby disobey the general instructions, and positive orders of the Court of Directors (given upon occasion of a crime of the same nature committed by the said Hastings) and was guilty of a high crime and misdemeanor.

8 May 1782. 5 Dec. 1775.

That the said Warren Hastings, having taken the measures hereinbefore described for supporting those of the Presidency of Bombay, did, on the 23d of March 1778, " invest the said Presidency " with

" with authority to form a new alliance with Ra-
" goba, and to engage with him in *any* scheme,
" which they should deem expedient and safe for
" retrieving his affairs." That the said Hastings was then in possession of a letter from the Court of Directors, dated the 4th of July 1777, containing a positive order to the Presidency of Bombay, in the following words: " though that treaty (mean-
" ing the treaty of Poorundur) is not, upon the
" whole, so agreeable to us as we could wish, still
" we are resolved strictly to adhere to it on our
" parts. You must therefore be particularly vigi-
" lant, while Ragoba is with you, to prevent him
" from forming any plan against what is called the
" ministerial party at Poona; and we hereby posi-
" tively order you not to engage with him in any
" scheme whatever in retrieving his affairs, without
" the consent of the Governour-General and
" Council, or the Court of Directors." That the said Ragoba neither did or could form any plan for his restoration but what was and must be against the ministerial party at Poona, who held and exercised the regency of that state in the infancy of the Peshwa; and that, supposing him to have formed any other *scheme*, in conjunction with Bombay, *for retrieving his affairs*, the said Hastings, in giving a previous *general* authority to the Presidency of Bombay to engage with Ragoba in *any* scheme for that purpose, without knowing what such scheme might

might be, and thereby relinquishing and transferring to the discretion of a subordinate government that superintendence and control over all measures tending to create or provoke a war, which the law had exclusively vested in the Governour-General and Council, was guilty of a high crime and misdemeanor. That the said Warren Hastings, having first declared, that the measures taken by him were for the support of the engagements made by the Presidency of Bombay in favour of Ragoba, did afterwards, when it appeared, that those negotiations were *entirely laid aside*, declare, that his apprehension of the consequence of a pretended *intrigue* between the Mahrattas and the French *was the sole motive of all the late measures taken for the support of the Presidency of Bombay*; but that neither of the preceding declarations contained the true motives and objects of the said Hastings, whose real purpose, as it appeared soon after, was to make use of the superiority of the British power in India to carry on offensive wars, and to pursue schemes of conquest, impolitick and unjust in their design, ill-concerted in the execution, and which, as this House has resolved, *have brought great calamities on India, and enormous expenses on the East-India Company.* That the said Warren Hastings, on the 22d of June 1778, made the following declaration in Council: "much less can I agree, that, with such superiour "advantages as we possess over every Power,

"which

" which can oppose us, we should act *merely on the* " *defensive.* On the contrary, if it be really true, " that the British arms and influence have suffered " so severe a check in the Western world, it is more " incumbent on those, who are charged with the " interests of Great Britain in the East, *to exert* " *themselves for the retrieval of the national loss.* " We have the means in our power, and if they " are not frustrated by our own dissensions, I trust, " that the event of this expedition will yield every " advantage, *for the attainment of which it was* " *undertaken.*" That in pursuance of the principles avowed in the preceding declaration, the said Warren Hastings, on the 9th of July 1778, did propose and carry it in Council, that an embassy should be sent from Bengal to Moodajee Boosla, the Rajah of Berar, falsely asserting, that the said Rajah " was, by interest and inclination, likely to join in " an alliance with the British Government; and " suggesting, that two advantages might be offered " to him, as the inducements to it: first, the sup- " port of his pretensions to the sovereign power " [viz. of the Mahratta Empire]; second, the re- " covery of the captures made on his dominions " by Nizam Ally." That the said Hastings, having already given full authority to the Presidency of Bombay to engage the British faith to Ragonaut Row to support him in *his* pretensions to the government or to the regency of the Mahratta Empire,

Empire, was guilty of a high crime and misdemeanor in proposing to engage the same British faith to support the pretensions of another competitor for the same object; and that in offering to assist the Rajah of Berar to recover the captures made on his dominions by the Nizam, the said Hastings did endeavour, as far as depended on him, to engage the British nation in a most unjust and utterly unprovoked war against the said Nizam, between whom and the East-India Company a treaty of peace and friendship did then subsist, unviolated on his part; notwithstanding the said Hastings well knew, that it made part of the East-India Company's fundamental policy to support that prince against the Mahrattas, and to *consider him as one of the few remaining chiefs, who were yet capable of coping with the Mahrattas*; and that it was the Company's *true interest to preserve a good understanding with him.* That by holding out such offers to the Rajah of Berar, the said Hastings professed to hope, that the Rajah *would ardently catch at the objects presented to his ambition*; and although the said Hastings did about this time lay it down as a maxim, that *there is always a greater advantage in receiving solicitations than in making advances*, he nevertheless declared to the said Rajah, that *in the whole of his conduct he had departed from the common line of policy, and had made advances where others in his situation would have waited for solicitation*;

solicitation; that the said unjust and dangerous projects did not take effect, because the Rajah of Berar refused to join or be concerned therein; yet so earnest was the said Hastings for the execution of those projects, that in a subsequent letter he daringly and treacherously assured the Rajah, "that if he had accepted of the terms offered him "by Colonel Goddard, and concluded a treaty "with the Government of Bengal upon them, he "should have held the obligation of it superiour to "that of any engagement formed by the Govern-"ment of Bombay, and should have thought it "his duty to maintain it, &c. against every con-"sideration *even of the most valuable interests and* "*safety of the English possessions intrusted to his* "*charge.*" That all the offers of the said Hastings were rejected with slight and contempt by the Rajah of Berar; but the same being discovered, and generally known throughout India, did fill the chief of the princes and states of India with a general suspicion and distrust of the ambitious designs and treacherous principles of the British Government, and with an universal hatred of the British nation; that the said princes and states were thereby so thoroughly convinced of the necessity of uniting amongst themselves to oppose a power, which kept no faith with any of them, and equally threatened them all, that renouncing all former enmities against each other they united in a common confederacy against

against the English; viz. the Peshwa, as representative of the Mahratta State, and Moodajee Boosla, the Rajah of Berar, that is, the principal Hindoo powers of India, on one side; and Hyder Ally, and the Nizam of the Decan, that is, the principal Mahommedan powers of India, on the other; and that in consequence of this confederacy Hyder Ally invaded, over-ran, and ruined the Carnatic; and that Moodajee Boosla, instead *of ardently catching at the objects presented to his ambition* by the said Hastings, sent an army to the frontiers of Bengal; which army the said Warren Hastings was at length forced to buy off with twenty-six lacks of rupees, or £. 300,000 sterling, after a series of negotiations with the Mahratta Chiefs, who commanded that army, founded and conducted on principles so dishonourable to the British name and character, that the Secret Committee of the House of Commons, by whom the rest of the proceedings in that business were reported to the House, *have upon due consideration thought it proper to leave out the letter of instructions to Mr. Anderson*, viz. those given by the said Warren Hastings to the representative of the British Government; and concerning which the said Committee have reported in the following terms:—"The schemes of policy, "by which the Governour-General seems to have "dictated the instructions he gave to Mr. Anderson "[the gentleman deputed] will also appear in this "document,

" document, as well respecting the particular suc-
" cession to the Rauje, as also the mode of accom-
" modating the demand of *Chout*, the establishment
" of which was apparently the great aim of Mooda-
" jee's political manœuvres, while the Governour-
" General's wish to defeat it was avowedly more
" intent on the removal of a nominal disgrace,
" than on the anxiety or resolution to be free from
" an expensive, if an unavoidable encumbrance."

That while the said Warren Hastings was endeavouring to persuade the Rajah of Berar to engage with him in a scheme to place the said Rajah at the head of the Mahratta empire, the Presidency of Bombay, by virtue of the powers specially vested in them for that purpose by the said Hastings, did really engage with Ragonaut Row, the other competitor for the same object, and sent a great part of their military force established for the defence of Bombay, on an expedition with Ragonaut Row, to invade the dominions of the Peshwa, and to take Poona, the capital thereof; that this army being surrounded and overpowered by the Mahrattas was obliged to capitulate; and then, through the moderation of the Mahrattas, was permitted to return quietly, but *very disgracefully*, to Bombay. That, supposing the said Warren Hastings could have been justified in abandoning the project of reinstating Ragonaut Row, which he at first authorized, and promised to support, and in preferring a

scheme to place the Rajah of Berar at the head of the Mahratta empire, he was bound by his duty, as well as in justice to the Presidency of Bombay, to give that Presidency timely notice of such his intention, and to have restrained them positively from resuming their own project; that on the contrary the said Warren Hastings did, on the 17th of August 1778, again *authorize* the said Presidency "to assist Ragoba with a military force to "conduct him to Poona, and to establish him in "the regency there;" and, so far from communicating his change of plan to Bombay, did keep it concealed from that Presidency, insomuch that, even so late as the 19th of February 1779, William Hornby, then Governour of Bombay, declared in Council his total ignorance of the schemes of the said Hastings, in the following terms: "the schemes of "the Governour-General and Council, with regard "to the Rajah of Berar, *being yet unknown to us*, it "is impossible for us to found any measures on "them; yet I cannot help now observing, that if, "as has been conjectured, the gentlemen of that "Presidency have entertained thoughts of restoring, "in his person, the ancient Rajah government, the "attempt seems likely to be attended with no "small difficulty:" that whereas the said Warren Hastings did repeatedly affirm, that it was his intention to support the plan formed by the Presidency of Bombay in favour of Ragoba, and did repeatedly

repeatedly authorize and encourage them to pursue it, he did nevertheless, at the same time, in his letters and declarations to the Peshwa, to the Nizam, and to the Rajah of Berar, falsely and perfidiously affirm, *that it never was nor is designed by the English Chiefs to give support to Ragonaut Row*; *that he*, Hastings, *had no idea of supporting Ragonaut Row*; *and that the detachment he had sent to Bombay was solely to awe the French, without the least design to assist Ragonaut Row*; that supposing it to have been the sole *professed* intention of the said Hastings, in sending an army across India, to protect Bombay against a French invasion, even that pretence was false, and used only to cover the real design of the said Hastings, viz. to engage in projects of war and conquest wtth the Rajah of Berar. That on the 11th of October 1778 he informed the said Rajah, "that the detachment "would soon arrive in his territories, and depend "on him Moodajee Boosla for its subsequent "operations:" that on the 7th of December 1778 the said Hastings revoked the powers he had before given * to the Presidency of Bombay over the detachment, declaring, that the event of Colonel Goddard's negotiation with the Rajah of Berar *was likely to cause a very speedy and essential change in the design and operations of the detachment*; and that on the 4th of March 1779 the said Hastings, immediately after receiving advice of the defeat of

* *On the 15th of November.*

the Bombay army near Poona, and when Bombay, if at any time, particularly required to be protected against a French invasion, did declare in Council, that he *wished for the return of the detachment to Berar, and dreaded to hear of its proceeding to the Malabar coast*; and therefore, if the said Hastings did not think, that Bombay was in danger of being attacked by the French, he was guilty of repeated falsehoods in affirming the contrary for the purpose of covering a criminal design; or, if he thought that Bombay was immediately threatened with that danger, he then was guilty of treachery in ordering an army, necessary on that supposition to the immediate defence of Bombay, to halt in Berar, to depend on the Rajah of Berar for its subsequent operations, or on the *event of a negotiation* with that prince, which, as the said Hastings declared, *was likely to cause a very speedy and essential change in the design and operations of the detachment*; and finally in declaring, that *he dreaded to hear of the said detachment's proceeding to the Malabar coast*, whither he ought to have ordered it without delay, if, as he has solemnly affirmed, it was true, that *he had been told by the highest authority, that a powerful armament had been prepared in France, the first object of which was an attack upon Bombay; and that he knew with moral certainty, that all the powers of the adjacent continent were ready to join the invasion.*

That

That through the whole of these transactions the said Warren Hastings has been guilty of continued falsehood, fraud, contradiction, and duplicity, highly dishonourable to the character of the British nation; that, in consequence of the unjust and ill-concerted schemes of the said Hastings, the British arms, heretofore respected in India, have suffered repeated disgraces, and great calamities have been thereby brought upon India; and that the said Warren Hastings, as well in exciting and promoting the late unprovoked and unjustifiable war against the Mahrattas, as in the conduct thereof, has been guilty of sundry high crimes and misdemeanors.

That by the definitive treaty of peace concluded with the Mahrattas at Poorunder, on the 1st of March 1776, the Mahrattas gave up all right and title to the island of Salsette, unjustly taken from them by the Presidency of Bombay; did also give up to the English Company for ever all right and title to their entire shares of the city and Purgunnah of Broach; did also give for ever to the English Company a country of three lacks of rupees revenue, near to Broach; and did also agree to pay to the Company twelve lacks of rupees, in part of the expenses of the English army; and that the terms of the said treaty* *were honourable and advantageous to the India Company.*

That Warren Hastings having broken the said treaty, and forced the Mahrattas into another war,

* Resolution of the House of Commons, 28 May 1782.

by a repeated invasion of their country, and having conducted that war in the manner hereinbefore described, did, on the 17th of May 1782, by the agency of Mr. David Anderson, conclude another treaty of perpetual friendship and alliance with the Mahrattas, by which the said Hastings agreed to deliver up to them all the countries, places, cities, and forts, particularly the island of Bassein (taken from the Peshwa, during the war), and to relinquish all claim to the country of three lacks of rupees, ceded to the Company by the treaty of Poorunder: that the said Warren Hastings did also at the said time, by a private and separate agreement, deliver up to Madajee Scindia the whole of the city of Broach: that is, not only the share in the said city, which the India Company acquired by the treaty of Poorunder, but the other share thereof, which the India Company possessed for several years before that treaty; and that among the reasons assigned by Mr. David Anderson for totally stripping the Presidency of Bombay of all their possessions on the Malabar coast, he has declared, that "from the general tenour of the *rest* of "the treaty, the settlement of Bombay would be "in future put on such a footing, that it might well "become a question, whether the possession of an "inconsiderable territory, without forts, would "not be attended with more loss than advantage, "as it must necessarily occasion considerable

" expense, must require troops for its defence, and " might probably in the end lead, as Scindia " apprehended, to a renewal of war."

That the said Warren Hastings, having in this manner put an end to a war commenced by him without provocation, and continued by him without necessity, and having for that purpose made so many sacrifices to the Mahrattas in points of essential interest to the India Company, did consent and agree to other articles utterly dishonourable to the British name and character, having sacrificed or abandoned every one of the native princes, who by *his* solicitations and promises had been engaged to take part with us in the war; and that he did so without necessity, since it appears, that Scindia, the Mahratta Chief, who concluded the treaty, *in every part of his conduct manifested a hearty desire of establishing a peace* with us; and that this was the disposition of all the parties in the Mahratta confederacy, who were only kept together by a general dread of their common enemy, the English, and who only waited for a cessation of hostilities with us to return to their habitual and permanent enmity against each other. That the Governour-General and Council, in their letter of 31st August 1781, made the following declaration to the Court of Directors: The Mahrattas have demanded the " sacrifice of the person of Ragonaut Row, the " surrender of the fort and territories of Ahme-

" dabad, and of the fortress of Gualior, *which are* " *not ours to give, and which we could not wrest from* " *the proprietors without the greatest violation of* " *publick faith.* No state of affairs, in our opi- " nions, could warrant our acquiescence to such " requisition; and we are morally certain, that, had " we yielded to them, such a consciousness of " the state of our affairs would have been implied, " as would have produced an effect the very reverse " from that, for which it was intended, by raising " the presumption of the enemy to exact yet more " *ignominious* terms, or perhaps their refusal to " accept of any; nor, in our opinion, would they " have failed to excite in others the same belief, " and the consequent decision of all parties " against us, as the natural consequences of our " decline." That the said Hastings himself, in his instructions to Mr. David Anderson, after authorizing him to restore *all*, that we had conquered during the war, expressly " *excepted* Ahmedabad, " and the territory conquered for Futty Sing Gwi- " cowar." That nevertheless the said Hastings, in the peace concluded by him, has yielded to every one of the conditions reprobated in the preceding declarations as *ignominious*, and incompatible with publick faith.

That the said Warren Hastings did abandon the Rana of Gohud in the manner already charged; and that the said Rana has not only lost the fort

of

of Gualior, but all his own country, and is himself a prisoner.—That the said Hastings did not interpose to obtain any terms in favour of the Nabob of Bopaul, who was* *with great reason desirous of concealing from the Mahrattas the attachment he had born to the English Government*; the said Nabob having a just dread of the danger of being exposed to the resentment of the Mahrattas, and no dependence on the faith and protection of the English. That by the 9th Article of the treaty with Futty Sing it was stipulated, that, when a negotiation for peace shall take place, his interest should be primarily considered; and that Mr. David Anderson, the minister and representative of the Governour-General and Council, did declare to Scindia, that it was indispensably incumbent on us to support Futty Sing's rights.

* Anderson's Letter of 26 January 1782.

That nevertheless every acquisition made for or by the said Futty Sing during the war, particularly *the fort and territories of Ahmedabad*, were given up by the said Hastings: that Futty Sing was replaced under the subjection of the Peshwa (whose resentment he had provoked by taking part with us in the war), and under an obligation to pay a tribute, not specified, to the Peshwa, and to perform such services, and to be subject to such obedience, *as had long been established and customary*; and that, no limit being fixed to such tribute or services, the said Futty Sing has been left wholly at the mercy of the Mahrattas.

That with respect to Ragoba the said Hastings, in his instructions to Mr. Anderson, dated 4th of November 1781, contented himself with saying, "We cannot *totally* abandon the interests of Ragonaut Row. Endeavour to obtain for him an "adequate provision."—That Mr. Anderson declared to Madajee Scindia*, "that as we had given "Ragoba protection as an independent prince, "and not brought him into our Settlement as a prisoner, we could not *in honour* pretend to impose "the *smallest* restraint on his will, and he must be "at liberty to go wherever he pleased; that it must "rest with Scindia himself to prevail on him to "reside in his country; all, that we could do, was "to *agree*, after a reasonable time, *to withdraw "our protection from him, and not to insist on the "payment of the stipend to him*, as Scindia had "proposed, unless on the condition of his residing "in some part of Scindia's territories."

* Anderson's Letter of 24th February 1782.

That, notwithstanding all the preceding declarations, and in violation of the publick faith repeatedly pledged to Ragoba, he was totally abandoned by the said Hastings in the treaty, no provision whatever being made even for his subsistence, but on a condition, to which he could not submit without the certain loss of his liberty, and probable hazard of his life, namely, *that he should voluntarily, and of his own accord, repair to Scindia, and quietly reside with him.* That such treacherous desertion of the said

said Ragoba is not capable of being justified by any plea of necessity; but that in fact no such necessity existed; since it appears, that the Nizam, who of all the contracting parties in the confederacy was personally most hostile to Ragoba, did himself *propose, that Ragoba might have an option given him* of residing within the Company's territories.—That the plan of negotiating a peace with the Mahrattas, by application to Scindia, and through his mediation, was earnestly recommended to the said Hastings by the Presidency of Bombay so early as in February 1779, who stated clearly to him the reasons why such application ought to be made to Scindia in preference to any other of the Mahratta chiefs, and why it would probably be successful; the truth and justice of which reasons were fully evinced in the issue, when the said Hastings, after incurring, by two years' delay, all the losses and distresses of a calamitous war, did actually pursue that very plan with much less effect or advantage than might have been obtained at the time the advice was given. That he neglected the advice of the Presidency of Bombay, and retarded the peace, as well as made its conditions worse, from an obstinate attachment to his project of an alliance offensive and defensive with the Rajah of Berar, the object of which was rather a new war, than a termination of the war then existing against the Peshwa.

That the said Hastings did further embarrass and

pursued this object, laid him open to the Mahrattas, who depended thereon for obtaining whatever they should demand from us.—That in order to carry the point of an offensive alliance against Hyder Ally, the said Hastings exposed the negotiation for peace with the Mahrattas to many difficulties and delays. That the Mahrattas were bound by a clear and recent engagement, which Hyder had never violated in any article, to make no peace with us, which should not include him; that they pleaded the sacred nature of this obligation in answer to all our requisitions on this head, while the said Hastings, still importunate for his favourite point, suggested to them various means of reconciling a substantial breach of their engagement with a formal observance of it, and taught them how they might at once be parties in a peace with Hyder Ally, and in an offensive alliance for immediate hostility against him. That these lessons of publick duplicity and artifice, and these devices of ostensible faith and real treachery, could have no effect but to degrade the national character, and to inspire the Mahrattas themselves, with whom we were in treaty, with a distrust in our sincerity and good faith.—That the object of this fraudulent policy (viz. the utter destruction of Hyder Ally, and a partition of his dominions) was neither wise in itself, or authorized by the orders and instructions of the Company to their servants; that it was incompatible

for peace from the Nabob of Arcot with the approbation of Sir Eyre Coote; that he returned other proposals to the said Nabob of Arcot, who had assured him (the minister), that those proposals *would be acceded to, and that Mr. Macpherson would set out for Bengal, after which orders should be immediately dispatched from the honourable the Governour-General and Council to the effect he wished.* That the said Nabob "had promised to "obtain and forward to him the expected *orders* "*from Bengal in fifteen days, and that* he was there- "fore every instant in expectation of their arrival; "and observed, that, when General Goddard pro- "posed to send a confidential person to Poonah, "he conceived, that those orders must have actually "reached him:" that therefore the treaty, formally concluded by David Anderson, was in effect and substance the same with that offered, and in reality concluded by the Nabob of Arcot, with the exception only of Salsette, which the Nabob of Arcot had agreed to restore to the Mahrattas. That the intention of the said Warren Hastings in pressing for a peace with the Mahrattas on terms so dishonourable, and by measures so rash and ill-concerted, was not to restore and establish a general peace throughout India, but to engage the India Company in a new war against Hyder Ally, and to make the Mahrattas parties therein. That the eagerness and passion, with which the said Hastings

pursued

pursued this object, laid him open to the Mahrattas, who depended thereon for obtaining whatever they should demand from us.—That in order to carry the point of an offensive alliance against Hyder Ally, the said Hastings exposed the negotiation for peace with the Mahrattas to many difficulties and delays. That the Mahrattas were bound by a clear and recent engagement, which Hyder had never violated in any article, to make no peace with us, which should not include him; that they pleaded the sacred nature of this obligation in answer to all our requisitions on this head, while the said Hastings, still importunate for his favourite point, suggested to them various means of reconciling a substantial breach of their engagement with a formal observance of it, and taught them how they might at once be parties in a peace with Hyder Ally, and in an offensive alliance for immediate hostility against him. That these lessons of publick duplicity and artifice, and these devices of ostensible faith and real treachery, could have no effect but to degrade the national character, and to inspire the Mahrattas themselves, with whom we were in treaty, with a distrust in our sincerity and good faith.—That the object of this fraudulent policy (viz. the utter destruction of Hyder Ally, and a partition of his dominions) was neither wise in itself, or authorized by the orders and instructions of the Company to their servants; that it was incompatible

incompatible with the treaty of peace, in which Hyder Ally was included, and contrary to the repeated and best-understood injunctions of the Company; being, in the first place, a bargain for a new war, and, in the next, aiming at an extension of our territory by conquest. That the best and soundest political opinions on the relations of these states have always represented our great security against the power of the Mahrattas to depend on its being balanced by that of Hyder Ally; and the Mysore country is so placed as a barrier between the Carnatic and the Mahrattas, as to make it our interest rather to strengthen and repair that barrier, than to level and destroy it. That the said treaty of partition does express itself to be *eventual* with regard to the making and keeping of peace; but through the whole course of the said Hastings's proceeding he did endeavour to prevent any peace with the Sultan or Nabob of Mysore, Tippû Saheb, and did for a long time endeavour to frustrate all the methods, which could have rendered the said treaty of conquest and partition wholly unnecessary.

That the Mahrattas having taken no effectual step to oblige Hyder Ally to make good the conditions, for which they had engaged in his behalf, and the war continuing to be carried on in the Carnatic by Tippoo Sultan, son and successour of Hyder Ally, the Presidency of Fort-St.-George undertook, upon

upon their own authority, to open a negotiation with the said Tippoo; which measure, though indispensably necessary, the said Hastings utterly disapproved and discountenanced, expressly denying, that there was any ground or motive for entering into any direct or separate treaty with Tippoo; and not consenting to or authorizing any negotiation for such treaty, until after a cessation of hostilities had been brought about with him by the Presidency of Fort-St.-George, in August 1773, and the ministers of Tippoo had been received and treated with by that Presidency, and commissioners, in return, actually sent by the said Presidency to the Court of Poonah; which late and reluctant consent and authority were extorted from him the said Hastings in consequence of the acknowledgment of his agent at the Court of Madajee Scindia (upon whom the said Warren Hastings had depended for enforcing the clauses of the Mahratta treaty) of the precariousness of such dependence, and of the necessity of that direct and separate treaty with Tippoo, so long and so lately reprobated by the said Warren Hastings, notwithstanding the information and entreaties of the Presidency of Fort-St.-George, as well as the known distresses and critical situation of the Company's affairs.—That, though the said Warren Hastings did at length give instructions for negotiating and making peace with Tippoo, expressly adding, that those instructions extended to *all* the points, which occurred

occurred to *him or them* as capable of being agitated or gained upon the occasion;—though the said instructions were sent after the said commissioners by the Presidency of Fort-St.-George, with directions to obey them;—though not only the said instructions were obeyed, but advantages gained, which did not occur to the said Warren Hastings;—though the said peace formed a contrast with the Mahratta peace, in neither ceding any territory possessed by the Company before the war, or delivering up any dependant or ally to the vengeance of his adversaries, but providing for the restoration of all the countries, that had been taken from the Company and their allies;—though the Supreme Council of Calcutta, forming the legal Government of Bengal in the absence of the said Warren Hastings, ratified the said treaty, yet the said Warren Hastings, then absent from the seat of government, and out of the province of Bengal, and forming no legal or integral part of the government during such absence, did, after such ratification, usurp the power of acting as a part of such government (as if actually sitting in council with the other members of the same) in the consideration and unqualified censure of the terms of the said peace. That the Nabob of Arcot, with whom the said Hastings did keep up an unwarrantable, clandestine correspondence, without any communication with the Presidency of Madras, wrote a letter of complaint, dated the 27th of

March 1784, against the Presidency of that place, without any communication thereof to the said Presidency, the said complaint being addressed to the said Warren Hastings, the substance of which complaint was, that he (the Nabob) had not been made a party to the late treaty: and although his interest had been sufficiently provided for in the said treaty, the said Warren Hastings did sign a declaration on the 23d of May, at Lucknow, forming the basis of a new article, and making a new party to the treaty, after it had been by all parties (the Supreme Council of Calcutta included) completed and ratified, and did transmit the said new stipulation to the Presidency at Calcutta solely for the purposes, and at the instigation, of the Nabob of Arcot; and the said declaration was made without any previous communication with the Presidency aforesaid, and in consequence thereof orders were sent by the Council at Calcutta to the Presidency of Fort-St.-George, *under the severest threats in case of disobedience*; which orders, whatever were their purport, would, as an undue assumption of and participation in the government, from which he was absent, become a high misdemeanor; but, being to the purport of opening the said treaty after its solemn ratification, and proposing a new clause, and a new party to the same, was also an aggravation of such misdemeanor, as it tended to convey to the Indian Powers an idea of the unsteadiness of the councils

and determinations of the British Government, and to take away all reliance on its engagements, and as, above all, it exposed the affairs of the nation and the Company to the hazard of seeing renewed all the calamities of war, from whence by the conclusion of the treaty they had emerged, and upon a pretence so weak as that of proposing the Nabob of Arcot to be a party to the same—though he had not been made a party by the said Warren Hastings in the Mahratta treaty, which professed to be for the relief of the Carnatic;—though he was not a party to the former treaty with Hyder, also relative to the Carnatic;—though it was not certain, if the treaty were once opened, and that even Tippoo should then consent to that Nabob's being a party, whether he (the said Nabob) would agree to the clauses of the same, and consequently whether the said treaty, once opened, could afterwards be concluded—an uncertainty, of which he the said Hastings should have learned to be aware, having already once been disappointed by the said Nabob's refusing to accede to a treaty, which he the said Warren Hastings made for him with the Dutch, about a year before.

That the said Warren Hastings having broken a solemn and honourable treaty of peace by an unjust and unprovoked war; having neglected to conclude that war when he might have done it without loss of honour to the nation; having plotted and con-

trived, as far as depended on him, to engage the India Company in another war, as soon as the former should be concluded; and having at last put an end to a most unjust war against the Mahrattas by a most ignominious peace with them, in which he sacrificed objects essential to the interests, and submitted to conditions utterly incompatible with the honour, of this nation, and with his own declared sense of the dishonourable nature of those conditions; and having endeavoured to open anew the treaty concluded with Tippoo Sultan, through the means of the Presidency of Fort-St.-George, upon principles of justice and honour, and which established peace in India; and thereby exposing the British possessions there to the renewal of the dangers and calamities of war—has by these several acts been guilty of sundry high crimes and misdemeanors.

XXI. CORRESPONDENCE.

THAT by an Act of the 13th year of His present Majesty, entitled, "An Act for establish-" ing certain regulations for the better manage-" ment of the affairs of the East-India Company,

" as

" as well in India as in Europe," " The Gover-
" nour-General and Council are required and
" directed to pay due obedience to all such orders
" as they shall receive from the Court of Direc-
" tors of the said United Company, and to cor-
" respond from time to time, and constantly and
" diligently transmit to the said Court an exact
" particular of all advices or intelligence, and of
" all transactions and matters whatsoever, that
" shall come to their knowledge, relating to the
" government, commerce, revenues, or interest of
" the said United Company."

That, in consequence of the above-recited Act, the Court of Directors, in their General Instructions of the 29th March 1774 to the Governour-General and Council, did direct, " that the cor-
" respondence with the Princes or Country Powers
" in India should be carried on through the Gover-
" nour-General only; but that all letters to be sent
" by him should be first approved in Council; and
" that he should lay before the Council, at their
" next meeting, all letters received by him in the
" course of such correspondence for their infor-
" mation."

And the Governour-General and Council were therein further ordered, " That in transacting the
" business of their department they should enter
" with the utmost perspicuity and exactness all
" their proceedings whatsoever; and all dissents,
" if such should at any time be made by any

" member of their Board, together with all letters
" sent or received in the course of their corre-
" spondence; and that broken sets of such pro-
" ceedings, to the latest period possible, be
" transmitted to them (the Court of Directors);
" a complete set at the end of every year, and a
" duplicate by the next conveyance."

That in defiance of the said orders, and in breach of the above-recited Act of Parliament, the said Warren Hastings has, in sundry instances, concealed from his Council the correspondence carried on between him and the Princes or Country Powers in India, and neglected to communicate the advices and intelligence he from time to time received from the British Residents at the different Courts in India to the other members of the Government; and without their knowledge, counsel, or participation, has dispatched orders on matters of the utmost consequence to the interests of the Company.

That, moreover, the said Warren Hastings, for the purpose of covering his own improper and dangerous practices from his employers, has withheld from the Court of Directors, upon sundry occasions, copies of the proceedings had, and the correspondence carried on by him in his official capacity, as Governour-General, whereby the Court of Directors have been kept in ignorance of matters, which it highly imported them to know, and

the

the affairs of the Company have been exposed to much inconvenience and injury.

That in all such concealments and acts done or ordered without the consent and authority of the Supreme Council, the said Warren Hastings has been guily of high crimes and misdemeanors.

XXII. RIGHTS OF FYZOOLA KHÂN, &c. BEFORE THE TREATY OF LALL-DANG.

I.

THAT the Nabob Fyzoola Khân, who now holds of the Vizier the territory of Rampore, Shawabad, and certain other districts dependent thereon, in the country of the Rohillas, is the second son of a prince, renowned in the history of Hindostan under the name of Ali Mohammed Khân, some time sovereign of all that part of Rohilcund, which is particularly distinguished by the appellation of the Kutteehr.

II.

That after the death of Ali Mohammed aforesaid, as Fyzoola Khân, together with his elder brother, was then a prisoner of war at a place

called Herat, " the Rohilla chiefs took possession " of the ancient estates" of the captive princes; and the Nabob, Fyzoola Khân, was from necessity compelled to wave his hereditary rights for the inconsiderable districts of Rampore and Shawabad, then estimated to produce from six to eight lacks of annual revenue.

III.

That in 1774, on the invasion of Rohilcund by the united armies of the Vizier Sujah ul Dowlah and the Company, the Nabob, Fyzoola Khân, " with some of his people, was present at the " decisive battle of St. George," where Hafiz Rhanet, the great leader of the Rohillas, and many others of their principal chiefs were slain; but, escaping from the slaughter, Fyzoola Khân " made his retreat good towards the mountains, " with all his treasure." He there collected the scattered remains of his countrymen; and as he was the eldest surviving son of Ali Mohammed Khân, as too the most powerful obstacle to his pretensions was now removed by the death of Hafiz, he seems at length to have been generally acknowledged by his natural subjects the undoubted heir of his father's authority.

IV.

That, " regarding the sacred *sincerity* and " friendship of the English, whose *goodness* and " celebrity

" celebrity is every where known, *who dispossess* " *no one*," the Nabob Fyzoola Khân made early overtures for peace to Colonel Alexander Champion, commander-in-chief of the Company's forces in Bengal: that he did propose to the said Colonel Alexander Champion, in three letters, received on the 14th, 24th, and 27th of May, to put himself under the protection either of the Company or of the Vizier, through the mediation, and with the guarantee, of the Company; and that he did offer " whatever was conferred upon him, to pay " as much without damage or deficiency, as any " other person would agree to do;" stating at the same time his condition and pretensions hereinbefore recited, as facts " evident as the sun;" and appealing, in a forcible and awful manner, to the generosity and magnanimity of this nation, " by " whose means he hoped in God, that he should " receive justice;" and as " the person, who de- " signed the war, was no more;" as " in that he " was himself guiltless;" and, as "he had never " acted in such a manner as for the Vizier to " have taken hatred to his heart against him; that " he might be reinstated in his ancient posses- " sions, the country of his father."

V.

That on the last of the three dates above mentioned, that is to say, on the 27th of May, the Nabob

Nabob Fyzoola Khân did also send to the commander-in-chief a Vakeel, or ambassador, who was authorized on the part of him (the Nabob Fyzoola Khân, his master) to make a specifick offer of three propositions; and that by one of the said propositions "an annual increase of near "£,400,000 would have accrued to the revenues "of our ally, and the immediate acquisition of "above £.300,000 to the Company, for their "influence in effecting an accommodation per-"fectly consistent with their engagements to the "Vizier," and strictly consonant to the demands of justice.

VI.

That so great was the confidence of the Nabob Fyzoola Khân in the just, humane, and liberal feelings of Englishmen, as to "lull him into an "inactivity" of the most essential detriment to his interests; since, "in the hopes, which he enter-"tained from the interposition of our Govern-"ment," he declined the invitation of the Mogul to join the arms of his Majesty and the Mahrattas, "refused any connexion with the Seiks," and did even neglect to take the obvious precaution of crossing the Ganges, as he had originally intended, while the river was yet fordable, a movement, that would have enabled him certainly to baffle all pursuit, and probably "to keep the Vizier in

"a state

" a state of disquietude for the remainder of his " life."

VII.

That the commander-in-chief, Colonel Alexander Champion aforesaid, " thought nothing could " be more honourable to this nation than the sup- " port of so exalted a character; and whilst it " could be done on terms so advantageous, sup- " posed it very unlikely, that the Vakeel's propo- " sition should be received with indifference;" that he did accordingly refer it to the Administration through Warren Hastings, Esquire, then Governour of Fort-William, and President of Bengal; and he did at the same time enclose to the said Warren Hastings a letter from the Nabob Fyzoola Khân to the said Hastings; which letter does not appear, but must be supposed to have been of the same tenour with those before cited to the commander-in-chief; of which also copies were sent to the said Hastings by the commander-in-chief; and he (the commander-in-chief aforesaid) after urging to the said Hastings sundry good and cogent arguments of policy and prudence, in favour of the Nabob Fyzoola Khân, did conclude by " wishing for nothing so much as for the adop- " tion of some measure, that might strike all the " powers of the East with admiration of our jus- " tice, in contrast to the conduct of the Vizier."

VIII.

VIII.

That in answer to such laudable wish of the said commander-in-chief, the President (Warren Hastings) preferring his own prohibited plans of extended dominion to the mild, equitable, and wise policy inculcated in the standing orders of his superiours, and now enforced by the recommendation of the commander-in-chief, did instruct and "desire" him, the said commander-in-chief, "in-"stead of soliciting the Vizier to relinquish his "conquest to Fyzoola Khân, to discourage it as "much as was in his power;" although the said Hastings did not once express, or even intimate, any doubt whatever of the Nabob Fyzoola Khân's innocence as to the origin of the war, or of his hereditary right to the territories, which he claimed; but to the said pleas of the Nabob Fyzoola Khân, as well as to the arguments both of policy and justice advanced by the commander-in-chief, he the said Hastings did solely oppose certain speculative objects of imagined expediency, summing up his decided rejection of the proposals made by the Nabob Fyzoola Khân, in the following remarkable words:

"With respect to Fyzoola Khân, he *appears* "*not to merit our consideration. The petty sove-*"*reign of a country estimated at six or eight lacks* "*ought not for a moment to prove an impediment*

"*to*

" *to any of our measures, or to affect the consistency* " *of our conduct.*"

IX.

That in the aforesaid violent and arbitrary position, the said Warren Hastings did avow it to be a publick principle of his government, that no right, however manifest, and no innocence, however unimpeached, could entitle the weak to our protection against others, or save them from our own active endeavours for their oppression, and even extirpation, should they interfere with our notions of political expediency: and that such a principle is highly derogatory to the justice and honour of the English name, and fundamentally injurious to our interests, inasmuch as it hath an immediate tendency to excite distrust, jealousy, fear, and hatred against us among all the subordinate potentates of Hindostan.

X.

That, in prosecution of the said despotick principle, the President (Warren Hastings aforesaid) did persist to obstruct, as far as in him lay, every advance towards an accommodation between the Vizier Sujah ul Dowlah, and the Nabob Fyzoola Khân; and particularly on the 16th of September, only eight days after the said Hastings, in conjunction with the other members of the Select Committee of Bengal, had publickly testified his satisfaction

satisfaction in the prospect of *an accommodation*, and had *hoped*, that his Excellency (the Vizier) " would be disposed to conciliate the affections " (of the Rohillas) to his Government *by acceding* " *to lenient terms*;" he, the said Hastings, did nevertheless write, and without the consent or knowledge of his colleagues, did privately dispatch, a certain answer to a letter of the commander-in-chief; in which answer the said Hastings did express other *contradictory hopes*, namely, that the commander-in-chief *had resolved on prosecuting the war to a final issue*, " because (as the said " Hastings explains himself) it appears very plainly, " that Fyzoola Khân, and his adherents, *lay at* " *your mercy*; because I apprehend much incon- " veniency from delays; and because *I am morally* " *certain, that no good will be gained by negotiat-* " *ing*;"—thereby artfully suggesting his wishes of what might be, in his hopes of what had been, resolved; and plainly, though indirectly, instigating the commander-in-chief to much effusion of blood in an immediate attack on the Rohillas, posted as they were " in a very strong situation," and " combating for all."

XI.

That the said Hastings, in the answer aforesaid, did further endeavour to inflame the commander-in-chief against the Nabob Fyzoola Khân, by representing

representing the said Nabob as " highly presuming, " insolent, and evasive;" and knowing the distrust, which the Nabob Fyzoola Khân entertained of the Vizier, the said Hastings did " expressly desire it " should be left wholly to the Vizier to treat with " the enemy by *his own agents*, and *in his own* " *manner*;" though he the said Hastings " by no " means wished the Vizier to lose time by seeking " an accommodation, since it would be more " effectual, more decisive, and more *consistent* " *with his dignity, indeed with his honour, which* " *he has already pledged*, to abide by his first offers " to dictate the conditions of peace, and to admit " only an acceptance without reservation, or a " clear refusal from his adversary;" thereby affecting to hold up, in opposition to, and in exclusion of, the substantial claims of justice, certain ideal obligations of dignity and honour, that is to say, the gratification of pride, and the observance of an arrogant determination once declared.

XII.

That although the said answer did not reach the commander-in-chief until peace was actually concluded; and although the dangerous consequences to be apprehended from the said answer were thereby prevented, yet by the sentiments contained in the said answer, Warren Hastings, Esquire, did strongly evince his ultimate adherence to all the

the former violent and unjust principles of his conduct towards the Nabob Fyzoola Khân, which principles were disgraceful to the character, and injurious to the interests, of this nation: and that the said Warren Hastings did thereby, in a particular manner, exclude himself from any share of credit for "the honourable period put to the "Rohilla war, which has in some degree done "away the reproach so wantonly brought on the "English name."

RIGHTS OF FYZOOLA KHÂN, UNDER THE TREATY OF LALL-DANG.

I.

THAT notwithstanding the culpable and criminal reluctance of the President Hastings, hereinbefore recited, a treaty of peace and friendship between the Vizier Sujah ul Dowlah and the Nabob Fyzoola Khân was finally signed and sealed, on the 7th October 1774, at a place called Lall-Dang, in the presence, and with the attestation of the British commander-in-chief, Colonel Alexander Champion aforesaid; and that for the said treaty the Nabob Fyzoola Khân agreed to pay, and did actually pay, the valuable consideration

of

of half his treasure, to the amount of 15 lacks of rupees, or £. 150,000 sterling, and upwards.

II.

That by the said treaty the Nabob Fyzoola Khân was established in the quiet possession of Rampore, Shawabad, and "some other districts "dependent thereon," subject to certain conditions, of which the more important were as follow:

"That Fyzoola Khân should retain in his "service 5,000 *troops*, and not a single man "more:

"That with whomsoever the Vizier should "make war, Fyzoola Khân should send *two or* "*three thousand men, according to his ability*, to "join the forces of the Vizier:

"And that, if the Vizier should march in per-"son, Fyzoola Khân should himself accompany "him *with his troops*."

III.

That from the terms of the treaty above recited it doth plainly, positively, and indisputably appear, that the Nabob Fyzoola Khân, in case of war, was not bound to furnish more than three thousand men under any construction, unless the Vizier should march in person.

IV.

That the Nabob Fyzoola Khân was not positively bound to furnish so many as 3,000 men, but an indefinite number, not more than three, and not less than two, thousand; that, of the precise number within such limitations, the ability of Fyzoola Khân, and not the discretion of the Vizier, was to be the standard; and that such ability could only mean that, which was equitably consistent not only with the external defence of his Jaghire, but with the internal good management thereof, both as to its police and revenue.

V.

That even in case the Vizier should march in person, it might be reasonably doubted whether the personal service of the Nabob Fyzoola Khân "with his troops" must be understood to be, with *all* his troops, or only with the number before stipulated, not more than three, and not less than two, thousand men; and that the latter is the interpretation finally adopted by Warren Hastings aforesaid, and the Council of Bengal, who, in a letter to the Court of Directors, dated April 5th 1783, represent the clauses of the treaty relative to the stipulated aid, as meaning simply, that Fyzoola Khân "should send 2 or 3,000 men to join

" the Vizier's forces, or attend in person in case " it should be requisite."

VI.

That from the aforesaid terms of the treaty it doth not specifically appear of what the stipulated aid should consist, whether of horse or foot, or in what proportion of both; but that it is the recorded opinion, maturely formed by the said Hastings and his Council, in January 1783, that even " a single horseman included in the aid, which " Fyzoola Khân might furnish, would prove a " literal compliance with the stipulation."

VII.

That, in the event of any doubt fairly arising from the terms of the treaty, the Nabob Fyzoola Khân, in consideration of his hereditary right to the whole country, and the price by him actually paid for the said treaty, was in equity entitled to the most favourable construction.

VIII.

That, from the attestation of Colonel Champion aforesaid, the Government of Calcutta acquired the same right to interpose with the Vizier for the protection of the Nabob Fyzoola Khân, as they the said Government had before claimed from a similar attestation of Sir Robert Barker to assist

the Vizier in extirpating the whole nation of the said Fyzoola Khân; more especially as in the case of Sir Robert Barker it was contrary to the remonstrances of the then administration, and the furthest from the intentions of the said Barker himself, that his attestation should involve the Company; but the attestation of Colonel Champion was authorized by all the powers of the Government, as a "sanction" intended "to add validity" to the treaty: that they the said Government, and in particular the said Warren Hastings, as the first executive member of the same, were bound by the ties of natural justice duly to exercise the aforesaid right, if need were; and that their duty so to interfere was more particularly enforced by the spirit of the censures past both by the Directors and Proprietors in the Rohilla war, and the satisfaction expressed by the Directors "in "the honourable end put to that war."

GUARANTEE OF THE TREATY OF LALL-DANG.

THAT during the life of the Vizier Sujah ul Dowlah, and for some time after his death, under his son and successour Asoph ul Dowlah, the Nabob Fyzoola

Fyzoola Khân did remain without disturbance or molestation: that he did all the while imagine his treaty to be under the sanction of the Company from Colonel Champion's affixing his signature thereto as a witness, "which signature, as he "(Fyzoola Khân) supposed," rendered the Company the *arbitrators* between the Vizier and himself, in case of disputes; and that being "a man "of sense, but *extreme pusillanimity*, a good "farmer, fond of wealth, *not possessed of the pas-* "*sion of ambition*," he did peaceably apply himself to "improve the state of his country; and "did, by *his own prudence and attention*, increase "the revenues thereof beyond the amount speci- "fied in Sujah ul Dowlah's grant."

II.

That in the year 1777, and in the beginning of the year 1778, being "alarmed at the young "Vizier's resumption of a number of Jaghires "granted by his father to different persons, and "the injustice and oppression of his conduct in "general;" and having now learned (from whom does not appear, but probably from some person supposed of competent authority), that Colonel Champion formerly witnessed the treaty as a private person, the Nabob Fyzoola Khân did make frequent and urgent solicitations to Nathaniel Middleton, Esquire, then Resident at Oude, and to

Warren Hastings aforesaid, then Governour-General of Bengal, "for a renovation of his (the Nabob Fyzoola Khân's) treaty with the late Vizier, "and the guarantee of the Company," or for a "separate agreement with the Company for his "defence;" considering them (the Company) as "the only power, in which he had confidence, "and to which he could look up for protection."

III.

That the said Resident Middleton, and the said Governour-General Hastings, did not, as they were in duty bound to do, endeavour to allay the apprehensions of the Nabob Fyzoola Khân by assuring him of his safety under the sanction of Colonel Champion's attestation aforesaid; but by their criminal neglect, if not by positive expressions (as there is just ground from their subsequent language and conduct to believe) they, the said Middleton and the said Hastings, did at least keep alive and confirm (whoever may have originally suggested) the said apprehension; and that such neglect alone was the more highly culpable in the said Hastings, inasmuch as he the said Hastings, in conjunction with other members of the Select Committee of the then Presidency of Bengal, did, on the 17th of September 1774, write to Colonel Champion aforesaid, publickly authorizing him the said Colonel Champion to join his *sanction* to the accommodations

accommodations agreed on (between the Vizier Sujah ul Dowlah, and the Nabob Fyzoola Khân) *to add to their validity*; and on the 6th of October following did again write to the said Colonel Champion more explicitly, to join his sanction, " either by attesting the treaty, or *acting as* " *guarantee* on the part of the Company for the " performance of it;" both which letters, though they did not arrive until after the actual signature of the said Colonel Champion, do yet incontrovertibly mark the solemn intention of the said Committee (of which the said Hastings was President), that the sanction of Colonel Champion's attestation should be regarded as a publick, not a private, sanction; and it was more peculiarly incumbent on such persons, who had been members of the said Committee, so to regard the same.

IV.

That the said Warren Hastings was further guilty of much criminal concealment for the space of " twelve months," inasmuch as he did not lay before the Board the frequent and urgent solicitations, which he the said Hastings was continually receiving from the Nabob Fyzoola Khân, until the 9th of March 1778: on which day the said Hastings did communicate to the Council a publick letter of the aforesaid Middleton, Resident at Oude, acquainting the Board, that he (the said

Middleton) taking occasion from a late application of Fyzoola Khân for the Company's guarantee, had deputed Mr. Daniel Octavus Barwell (assistant Resident at Benares, but then on a visit to the Resident Middleton at Lucknow) to proceed with a special commission to Rampore, there to inquire on the spot into the truth of certain reports circulated to the prejudice of Fyzoola Khân, which reports however the said Middleton did afterwards confess himself to have "*always*" *thought* "*in the* "*highest degree improbable.*"

That the said Resident Middleton did "request "to know whether, on proof of Fyzoola Khân's "innocence, the honourable Board would be "pleased to grant him (the Resident) permission "to comply with his (Fyzoola Khân's) request of "the Company's guarantying his treaty with the "Vizier." And the said Middleton, in excuse for having irregularly "availed himself of the abilities "of Mr. Daniel Barwell," who belonged to another station, and for deputing him with the aforesaid commission to Rampore without the previous knowledge of the Board, did urge the plea "*of* "*immediate necessity*;" and that such plea, if the necessity really existed, was a strong charge and accusation against the said Warren Hastings, from whose criminal neglect and concealment the urgency of such necessity did arise.

V. That

V.

That the Governour-General, Warren Hastings aforesaid, did immediately move, " that the Board " approve the deputation of Mr. Daniel Barwell, " and that the Resident (Middleton) be autho- " rized to offer the Company's guarantee for the " observance of the treaty subsisting between the " Vizier and Fyzoola Khân, provided it meets " with the Vizier's concurrence;" and that the Governour-General's proposition was resolved in the affirmative; the usual majority of Council then consisting of Richard Barwell, Esquire, a near relation of Daniel Octavus Barwell aforesaid, and the Governour-General Warren Hastings, who, in case of an equality, had the casting voice.

VI.

That on receiving from Mr. Daniel Barwell full and early assurance of Fyzoola Khân's " having " preserved every article of his treaty inviolate," the Resident Middleton applied for the Vizier's concurrence, which was readily obtained; the Vizier however *premising*, that he gave his consent, " taking it for granted, that on Fyzoola Khân's " receiving the treaty, and Khelaut (or robe of " honour), he was to make him a return of the " complimentary presents usually offered on such " occasions, and *of such an amount as should be a manifestation*

" *manifestation of Fyzoola Khân's due sense of his* " *friendship, and suitable to his Excellency's rank* " *to receive;*" and that the Resident Middleton " did make himself in some measure responsible " for the said presents being obtained," and did write to Mr. Daniel Barwell accordingly.

VII.

That, agreeably to the resolution of Council hereinbefore recited, the solicited guarantee, under the seal of the Resident Middleton, thus duly authorized on behalf of the Company, was transmitted, together with the renewed treaty, to Mr. Daniel Barwell aforesaid at Rampore; and that they were both by him, the said Barwell, presented to the Nabob Fyzoola Khân with a solemnity not often paralleled, " in the presence of the " greatest part of the Nabob's subjects, who were " assembled, that the ceremony might create a " full belief in the breasts of all his people, that " the Company would protect him as long as he " strictly adhered to the *letter* of his treaty."

VIII.

That in the conclusion of the said ceremony the Nabob Fyzoola Khân did deliver to the said Barwell, for the use of the Vizier, a Nuzzer (or present) of elephants, horses, &c. and did add thereto a lack of rupees, or £. 10,000, and upwards; which

which sum the said Barwell, " not being authorized " to accept any pecuniary consideration, did at " first refuse;" but upon Fyzoola Khân's urging, that on such occasions it was the invariable " custom of Hindostan, and *that it must on the* " *present be expected, as it had been formerly the* " *case*" (but when, does not appear); he the said Barwell did accept the " said lack in the name of the Vizier," our ally, " in whose wealth (as " Warren Hastings on another occasion observed) " we should participate," and on whom we at that time had an accumulating demand.

IX.

That, over and above the lack of rupees thus presented to the Vizier, the Nabob Fyzoola Khân did likewise offer one other lack of rupees, or upwards of £. 10,000 more for the Company, " as some " acknowledgment of the obligation he received: " that although such acknowledgment was not " pretended to be the invariable custom of Hin- " dostan on such occasions, however it might on " the present be expected," Mr. Daniel Barwell aforesaid (knowing probably the disposition and views of the then actual Government at Calcutta) did not, *even at first*, decline the said offer, but, as he was not empowered to accept it, did immediately propose taking a bond for the amount, until the pleasure of the Board should be known.

That

That the offer was accordingly communicated by the said Barwell to the Resident Middleton, to be by him the Resident referred to the Board; and that it was so referred; that in reply to the said reference of the Resident Middleton, the Governour-General (Warren Hastings) did move and carry a Vote of Council, " authorizing Mr. Mid-" dleton to accept the offer made by Fyzoola " Khân to the Company of one lack of rupees," without assigning any reason whatever in support of the said motion, notwithstanding it was objected by a member of the Board, " that, if the measure " was right, it became us to adopt it without such " a consideration;" and that " our accepting of " the lack of rupees as a recompense for our in-" terposition is beneath the dignity of this Govern-" ment (of Calcutta) and will discredit us in the " eyes of the Indian Powers."

That the acceptance of the said sum, in this circumstance, was beneath the dignity of the said Government, and did tend so to discredit us; and that the motion of the said Hastings for such acceptance was therefore highly derogatory to the honour of this nation.

X.

That the aforesaid member of the Council did further disapprove altogether of the guarantee, " as unnecessary;" and that another member of Council,

Council, Richard Barwell, Esquire, the near relation of Daniel Octavus Barwell, hereinbefore named, did declare (but after the said guarantee had taken place), that "this Government (of Cal-"cutta) was in fact engaged, by Colonel Cham-"pion's signature being to the treaty with Fyzoola "Khân," that the said unnecessary guarantee did not only subject to an heavy expense a prince, whom we were bound to protect, but did further produce in his mind the following obvious and natural conclusion; namely, "*that the signature of* "*any person, in whatever publick capacity he at* "*present appears, will not be valid and of effect, as* "*soon as some other shall fill his station*;" a conclusion, however, immediately tending to the total discredit of all powers delegated from the Board to any individual servant of the Company, and consequently to clog, perplex, and embarrass in future all transactions carried on at a distance from the seat of Government, and to disturb the security of all persons possessing Instruments already so ratified; yet the only conclusion left to Fyzoola Khân, which did not involve some affront either to the private honour of the Company's servants, or to the publick honour of the Company itself; and that the suspicions, which originated from the said idea in the breast of Fyzoola Khân to the prejudice of the Resident Middleton's authority, did compel the Governour-General, Warren Hastings, to obviate the

Khân was communicated by the Company's servants, both to each other, and to their employers, with expressions of "pleasure" and "particular "satisfaction," as an event "even surpassing their "expectations:" that the Governour-General, Warren Hastings, was officially requested to convey "the thanks of the Board;" and that, not satisfied with the bare discharge of his duty under the said request, he the said Hastings did, on the 8th of January 1779, write to Fyzoola, "that *in his* "*own name*," as well as "that of the Board, he "(the said Hastings) returned him the *warmest* "thanks for this instance of his faithful attachment "to the Company and the English nation."

IV.

That, by the strong expressions above recited, the said Warren Hastings did deliberately and emphatically add his own particular confirmation to the general testimony of the Nabob Fyzoola Khân's meritorious fidelity, and of his consequent claim on the generosity, no less than the justice, of the British Government.

DEMAND OF FIVE THOUSAND HORSE.

I.

THAT notwithstanding his own private honour thus deeply engaged, no with tanding the publick justice and generosity of the Company and the nation thus solemnly committed, disregarding the plain import and positive terms of the guarantied treaty, the Governour-General, Warren Hastings aforesaid, in November 1780 (while a body of Fyzoola Khân's cavalry, voluntarily granted, were still serving under a British officer) did recommend to the Vizier " to require from Fyzoola Khân the " quota of troops stipulated by treaty to be fur- " nished by the latter for his (the Vizier's) service, " being FIVE THOUSAND HORSE ;" though, as the Vizier did not march in person, he was not, under any construction of the treaty, entitled by stipulation to more than " *two* or *three thousand troops*," horse and foot, " according to the ability of Fy- " zoola Khân ;" and that, whereas the said Warren Hastings would have been guilty of very criminal perfidy, if he had simply neglected to interfere as a guarantee against a demand thus plainly contrary to the faith of treaty, so he aggravated the guilt of his perfidy, in the most atrocious degree, by being

himself the first mover and instigator of that injustice, which he was bound by so many ties on himself, the Company, and the nation, not only not to promote, but by every exertion of authority, influence, and power, to control, to divert, or to resist.

II.

That the answer of Fyzoola Khân to the Vizier did represent, with many expressions of deference, duty, and allegiance, that

The whole force allowed him was but "five "thousand men," and that "these consisted of two "thousand horse, and three thousand foot; which "(he adds) in consequence of our intimate con-"nexion are equally your's and the Company's;" though he does subsequently intimate, that "the "three thousand foot are for the management of "the concerns of his Jaghire, and without them "the collections can never be made in time."

That on the communication of the said answer to the Governour-General, Warren Hastings, he the said Hastings (who as the Council now consisted only of himself and Edward Wheler, Esquire, "united in his own person all the powers of govern-"ment") was not induced to relax from his unjust purpose, but did proceed with new violence to record, that

"The Nabob Fyzoola Khân *had evaded the per-"formance of his part of the treaty* between the

"late Nabob Sujah ul Dowlah and him, to which "the honourable Company were guarantees, and "upon which he was lately summoned to furnish "the stipulated number of troops, which he is "obliged to furnish on the condition, by which he "holds the Jaghire granted to him."

That by the vague and indefinite term of evasion, the said Warren Hastings did introduce a loose and arbitrary principle of interpreting formal engagements, which ought to be regarded, more especially by guarantees, in a sense the most literally scrupulous and precise.

That he charged with such evasion a moderate, humble, and submissive representation on a point, which would have warranted a peremptory refusal, and a positive remonstrance; and that in consequence of the said imputed evasion he indicated a disposition to attach such a forfeiture as in justice could only have followed from a gross breach of treaty; though the said Hastings did not then pretend any actual infringement even of the least among the conditions, to which, in the name of the Company, he the said Hastings was the executive guarantee.

III.

That however "the number of troops stipulated by treaty may have been understood," at the period of the original demand, "to be five thousand "horse," yet the said Warren Hastings, at the

time when he recorded the supposed evasion of Fyzoola Khân's answer to the said demand, could not be unacquainted with the express words of the stipulation, as a letter of the Vizier, inserted in the same Consultation, refers the Governour-General to enclosed copies "of all engagements entered "into by the late Vizier, and by himself (the "reigning Vizier) with Fyzoola Khân;" and that the treaty itself therefore was at the very moment before the said Warren Hastings; which treaty (as the said Hastings observed with respect to another treaty, in the case of another person) "most as-

Observations on Mr. Bristow's defence.

"suredly does not contain a syllable to justify his "conduct; but by the unexampled latitude, which "he assumes in his constructions, he may, if he "pleases, extort this or any other meaning from "any part of it."

IV.

That the Vizier himself appears by no means to have been persuaded of his own right to five thousand horse under the treaty; since in his correspondence on the subject he (the Vizier) no where mentions the treaty as the ground of his demand, except where he is recapitulating to the Governour-General, Warren Hastings, the substance of his (the said Hastings's) own letters; on the contrary, the Vizier hints his apprehensions lest Fyzoola Khân should appeal to the treaty against the demand, as a breach thereof, in which case he (the Vizier)

Vizier) informs the said Hastings of the projected reply: " Should Fyzoola Khân (says the Vizier) " mention any thing of the tenour of the treaty, " *the first breach of it has been committed by him,* " in keeping up more men than allowed of by the " treaty: *I have accordingly sent a person to settle* " *that point also.* In case he should mention to " me any thing respecting the treaty, I will then " reproach him with having kept up too many " troops, and will oblige him to send the five thou- " sand horse;" thereby clearly intimating, that as a remonstrance against the demand, as a breach of treaty, could only be answered by charging a prior breach of treaty on Fyzoola Khân, so, by annulling the whole treaty, to reduce the question to a mere question of force, and thus " oblige Fyzoola Khân " to send the five thousand horse:" " for (continues " the Vizier) if, when the Company's affairs, on " which my honour depends, require it, Fyzoola " Khân will not lend his assistance, *what* USE *is* " *there to continue the country to him?*"

That the Vizier actually did make his application to Fyzoola Khân for the 5,000 horse, not as for an aid, to which he had a just claim, but as for something over and above the obligations of the treaty, something, " that would give increase to their " friendship, and satisfaction to the Nabob Go- " vernour," (meaning the said Hastings) whose directions he represents as the motive " of his call

" for the 5,000 horse to be employed" not in his (the Vizier's) but in the ' Company's service."

And, that the aforesaid Warren Hastings did therefore, in recording the answer of Fyzoola Khân as an evasion of treaty, act in notorious contradiction not only to that, which ought to have been the fair construction of the said treaty, but to that, which he the said Hastings must have known to be the Vizier's own interpretation of the same, disposed as the Vizier was " to reproach Fyzoola " Khân with breach of treaty," and to " send up " persons, who should settle points with him."

V.

That the said Warren Hastings, not thinking himself justified, on the mere plea of an evasion, to push forward his proceedings to that extremity, which he seems already to have made his scope and object, and seeking some better colour for his unjust and violent purposes, did further move, that commissioners should be sent from the Vizier and the Company to Fyzoola Khân, to insist on a clause of a treaty, which no where appears, being essentially different from the treaty of Lall-Dang, though not in the part, on which the requisition is founded: and the said Hastings did then, in a style unusually imperative, proceed as follows:

" *Demand immediate delivery of* 3,000 *cavalry*; " *and if he should evade, or refuse compliance, that*

" *the*

" *the deputies shall deliver him a formal protest* " *against him for breach of treaty*, and return, " making this report to the Vizier, which Mr. " Middleton is to transmit to the Board."

VI.

That the said motion of the Governour-General Hastings was ordered accordingly, the Council, as already has been herein related, consisting but of two members, and the said Hastings consequently " uniting in his own person all the powers of " government."

VII.

That, when the said Hastings ordered the said demand for 3,000 cavalry, he the said Hastings well knew, that a compliance therewith, on the part of the Nabob Fyzoola Khân, was utterly impossible; for he, the said Hastings, had at the very moment before him a letter of Fyzoola Khân, stating, that he, Fyzoola Khân, had " but two " thousand cavalry" altogether; which letter is entered on the records of the Company, in the same Consultation, immediately preceding the Governour-General's Minute. That the said Hastings therefore knew, that the only possible consequence of the aforesaid demand necessarily and inevitably must be a protest for a breach of treaty; and the Court of Directors did not hesitate to declare, that the said demand " carried the appearance of a

" determination to create a pretext for depriving " him (Fyzoola Khân) of his Jaghire entirely, or " to leave him at the mercy of the Vizier."

VIII.

That Richard Johnson, Esquire, assistant Resident at Oude, was, agreeably to the afore-mentioned order of Council, deputed commissioner from Mr. Middleton and the Vizier to Fyzoola Khân; but that he did early give the most indecent proofs of glaring partiality, to the prejudice of the said Fyzoola Khân; for that the very next day (as it seems) after his arrival, he the said Johnson, from opinions imbibed in his journey, did state himself to be " unwilling to draw any favourable or flatter- " ing inferences relatively to the object of his " mission;" and did studiously seek to find new breaches of treaty; and without any form of regular inquiry whatever, from a single glance of his eye in passing did take upon himself to pronounce " the Rohilla soldiers, in the district of Rampore " alone, to be not less than 20,000," and the grant of course to be forfeited. And that such a gross and palpable display of a predetermination to discover guilt did argue in the said Johnson a knowledge, a strong presumption, or a belief, that such representations would be agreeable to the secret wishes and views of the said Hastings, under whose orders

orders he the said Johnson acted, and to whom all his reports were to be referred.

IX.

That the said Richard Johnson did soon after proceed to the immediate object of his mission, "which (the said Johnson relates) was short to a "degree." The demand was made, and "a flat "refusal" given; the question was repeated with like effect. The said Johnson, in presence of proper witnesses, then drew up his protest, "together "with a memorandum of a *palliative offer* made "by the Nabob Fyzoola Khân," and inserted in the protest:

"That he would, in compliance with the de- "mand, and *in conformity to the treaty, which* "*specified no definitive number of cavalry or infan-* "*try, only expressing troops,* furnish 3,000 men; "viz. he would, in addition to the 1,000 cavalry "already granted, give 1,000 more, when and "wheresoever required, and 1,000 foot;" together with one year's pay in advance, and funds for the regular payment of them in future.

And this (the said Richard Johnson observes) "I put down at his (the Nabob Fyzoola Khân's) "particular desire, but otherwise useless, as *my* "*orders* (which orders do not appear) *were not* "*to receive any palliation, but a negative or affirma-* "*tive*;" though such palliation, as it is called by the

the said Johnson, might be, as it was, in the strictest conformity to the treaty.

X.

That in the said offer the Nabob Fyzoola Khân, instead of palliating, did at once admit the extreme right of the Vizier, under the treaty, by agreeing to furnish 3,000 men, when he (Fyzoola Khân) would have been justified in pleading his inability to send more than two thousand. That such inability would not (as appears) have been a false and evasive plea, but perfectly true and valid; as the three thousand foot maintained by Fyzoola Khân were for the purposes of his internal government, for which the whole three thousand must have been demonstrably necessary: and that the Nabob Fyzoola Khân, by declining to avail himself of a plea so fair, so well founded, and so consonant to the indulgence expressly acknowledged in the treaty, and by thus meeting the specifick demand of the Vizier as fully as, according to his own military establishment, he could, did for the said offer deserve rather the thanks of the said Vizier and the Company, than the protest, which the aforesaid Johnson, under the orders of Warren Hastings, did deliver.

XI.

That the report of the said protest, as well as the former letter of the said Johnson, were by the Resident

Resident Middleton transmitted to the Board, together with a letter from the Vizier, founded on the said report and letter of the said Johnson, and proposing in consequence "to resume the ground, "and to leave Fyzoola Khân to join his other "faithless brethren, who were sent across the "Ganges."

That the said papers were read at Council on the 4th of June 1781, when the Governor-General Warren Hastings did move and carry a vote to suspend a final resolution on the same; and the said Hastings did not express any disapprobation of the proceedings of the said Johnson; neither did the said Hastings assign any reasons for his motion of suspension, which passed without debate. That in truth the said Hastings had then projected a journey up the country to meet the Vizier, for the settlement of articles relative to the regulation of Oude and its dependencies, among which was included the Jaghire of Fyzoola Khân; and the said Hastings, for the aforesaid purposes, did, on the 3d of July, by his own casting vote, grant to himself, and did prevail on his colleague, Edward Wheler, Esquire, to grant a certain illegal delegation of the whole powers of the Governor-General and Council; and on the seventh of the same month did proceed on his way to join the Vizier at a place called Chunar on the borders of Benares; and that the aforesaid vote of suspending a final resolution

resolution on the transactions with Fyzoola Khân was therefore in substance and effect a reference thereof by the said Hastings, from himself in Council with his colleague Wheler, to himself in conference and negotiation with the Vizier, who from the first demand of the 5,000 horse had taken every occasion of showing his inclination to dispossess Fyzoola Khân, and who before the said demand (in a letter, which does not appear, but which the Vizier himself quotes as antecedent to the said demand) had complained to the said Hastings of the " injury and irregularity in the " management of the provinces bordering on Ram- " pore, arising from Fyzoola Khân having the " uncontrolled dominion of that district."

TREATY OF CHUNAR.

I.

THAT the Governour-General, Warren Hastings, being vested with the illegal powers before recited, did, on the 12th of September 1781, enter into a treaty with the Vizier at Chunar; which treaty (as the said Hastings relates) was drawn up " from a series of requisitions presented to " him (the said Hastings) by the Vizier," and by him received " with an instant and unqualified

" assent

"[illegible] Hastings [illegible]
"[illegible]
"[illegible]
"[illegible]

II.

That in the said treaty of Chunar the third article is as follows.

"That as Fyzoola Khan [illegible] of "treaty forfeited the protection of the English "Government, and causes by his continuance in "his present independent state great alarm and "detriment to the Nabob Vizier, he be permitted, "*when time shall suit*, to resume his lands, and "pay him in money, through the Resident, the "amount stipulated by treaty, after deducting the "amount and charges of the troops he stands en- "gaged to furnish by treaty; which amount shall "be passed to the account of the Company during "the continuance of the present war."

III.

That for the better elucidation of his policy in the several articles of the treaty above mentioned, the said Hastings did send to the Council of Calcutta (now consisting of Edward Wheler and John Macpherson, Esquires) two different copies of the said

said treaty, with explanatory Minutes opposed to each article; and that the Minute opposed to the third article is thus expressed:

"The conduct of Fyzoola Khân, in refusing the "aid demanded, though [1] *not an absolute breach* "*of treaty*, was evasive and uncandid. [2] *The de-* "*mand was made for* 5,000 *cavalry.* [3] *The* "*engagement in the treaty is literally for* 5,000 "*horse and foot.* Fyzoola Khân could not be "ignorant, that we had no occasion for any suc- "cours of infantry from him, and that cavalry "would be of the most essential service. [4] *So* "*scrupulous an attention to literal expression,* "*when a more liberal interpretation would have* "*been highly useful and acceptable to us, strongly* "*marks his unfriendly disposition, though it may* "*not impeach his fidelity, and leaves him little* "*claim to any exertions from us for the continuance* "*of his Jaghires. But* [5] *I am of opinion, that* "*neither the Vizier's nor the Company's interests* "*would be promoted by depriving Fyzoola Khân of* "*his independency, and I have* [6] *therefore reserved* "*the execution of this agreement to an indefinite* "*term; and our Government may always interpose* "*to prevent any ill effects from it.*"

IV.

That in his aforesaid authentick evidence of his own purposes, motives, and principles, in the third article

article of the treaty of Chunar, the said Hastings hath established divers matters of weighty and serious crimination against himself.

1st. That the said Hastings doth acknowledge therein, that he did, in a publick Instrument, solemnly recognise, "*as a breach of treaty*," and as such did subject to the consequent penalties, an act, which he the said Hastings did at the same time think, and did immediately declare, to be "*no breach of treaty*;" and by so falsely and unjustly proceeding against a person under the Company's guarantee, the said Hastings, on his own confession, did himself break the faith of the said guarantee. Explanatory Minute.

2d. That in justifying this breach of the Company's faith, the said Hastings doth *wholly abandon his second peremptory demand for the* 3,000 *horse*, and the protest consequent thereon; and the said Hastings doth thereby himself condemn the violence and injustice of the same.

3dly. That in recurring to the original demand of five thousand horse as the ground of his justification, the said Hastings doth falsely assert "the engagement in the treaty to be *literally* FIVE "*thousand horse and foot*," whereas it is in fact for TWO *or* THREE *thousand men*; and the said Hastings doth thereby wilfully attempt to deceive and mislead his employers, which is an high crime and misdemeanor in a servant of so great trust.

4thly. That

4thly. That with a view to his further justification, the said Hastings doth advance a principle, that "*a scrupulous attention to the literal expression*" of a guarantied treaty "*leaves*" to the persons so observing the same "*but little claim to the exertions*" *of a guarantee on his behalf*; that such a principle is utterly subversive of all faith of guarantees, and is therefore highly criminal in the first executive member of a government, that must necessarily stand in that mutual relation to many.

5thly. That the said Hastings doth profess his opinion of an article, to which he gave an "*instant* "*and unqualified assent,*" that it was a measure, "*by which neither the Vizier's nor the Company's* "*interests would be promoted,*" but from which, without some interposition, "*ill effects must be* "*expected*;" and that the said Hastings doth thereby charge himself with a high breach of trust towards his employers.

6thly. That the said Hastings having thus confessed, that consciously and wilfully (from what motives he hath not chosen to confess) he did give his formal sanction to a measure both of injustice and impolicy, he the said Hastings doth urge in his defence, that he did at the same time insert words "reserving the execution of the said agree- "ment to an indefinite term;" with an intent, that it might in truth be never executed at all; but "that our Government might always interpose," without

without right, by means of an indirect and undue influence, to prevent the ill effects following from a collusive surrender of a clear and authorized right to interpose; and the said Hastings doth thereby declare himself to have introduced a principle of duplicity, deceit, and double-dealing, into a publick engagement, which ought in its essence to be clear, open, and explicit; that such a declaration tends to shake and overthrow the confidence of all in the most solemn Instruments of any person so declaring, and is therefore an high crime and misdemeanor in the first executive member of government, by whom all treaties and other engagements of the state are principally to be conducted.

V.

That by the explanatory Minute aforesaid the said Warren Hastings doth further, in the most direct manner, contradict his own assertions in the very letter, which enclosed the said Minute to his colleagues; for that one of the articles, to which he there gave "*an instant and unqualified assent*, "*as no less to our interest than to the Vizier's*," he doth here declare unequivocally to be *neither to our interests nor the Vizier's*; and the *unqualified* assent" given to the said article is now so *qualified*, as wholly to defeat itself. That by such irreconcilable contradictions the said Hastings doth incur the suspicion of such criminal mis-

representation in other like cases of unwitnessed conferences; and in the present instance (as far as it extends) the said Hastings doth prove himself to have given an account both of his actions and motives, by his own confession untrue, for the purpose of deceiving his employers, which is an high crime and misdemeanor in a servant of so great trust.

VI.

That the said third article of the treaty of Chunar, as it thus stands explained by the said Hastings himself, doth on the whole appear designed to hold the protection of the Company in suspense; that it acknowledges all right of interference to cease, but leaves it to our discretion to determine when it will suit our conveniency to give the Vizier the liberty of acting on the principles by us already admitted: that it is dexterously constructed to balance the desires of one man, rapacious and profuse, against the fears of another, described as "of extreme pusillanimity, and wealthy:" but that, whatever may have been the secret objects of the artifice and intrigue confessed to form its very essence, it must on the very face of it necessarily implicate the Company in a breach of faith, whichever might be the event, as they must equally break their faith, either by withdrawing their guarantee unjustly, or by continuing that guarantee in contradiction to this treaty of Chunar; that it thus tends to hold out to India,

and to the whole world, that the publick principle of the English Government is a deliberate system of injustice, joined with falsehood; of impolicy, of bad faith, and treachery; and that the said article is therefore in the highest degree derogatory to the honour, and injurious to the interests, of this nation.

CONSEQUENCES OF THE TREATY OF CHUNAR.

I.

THAT in consequence of the treaty of Chunar, the Governour-General, Warren Hastings, did send official instructions, respecting the various articles of the said treaty, to the said Resident Middleton; and that, in a postscript, the said Hastings did forbid the resumption of the Nabob Fyzoola Khân's Jaghire, "until circumstances may render it more "expedient, and easy to be attempted, than the pre-"sent more material pursuits of Government make "it appear;" thereby intimating a positive limitation of the indefinite term in the explanatory Minute above recited; and confining the suspension of the article to the pressure of war.

II.

That soon after the date of the said instructions, and within two months of the signature of the treaty of Chunar, the said Hastings did cause Sir Elijah Impey, Knight, His Majesty's Chief Justice at Fort-William, to discredit the justice of the Crown of Great Britain by making him the channel of unwarrantable communication; and did, through the said Sir Elijah, signify to the Resident Middleton his (the said Hastings's) "approbation of a *subsidy* from Fyzoola Khân."

III.

That the Resident, in answer, represents the proper equivalent for 2,000 horse, and 1,000 foot (the forces offered to Mr. Johnson by Fyzoola Khân) to be twelve lacks, or £. 120,000 sterling, and upwards, each year; which the said Resident supposes is considerably beyond what he (Fyzoola Khân) *will voluntarily pay*: "however, if it is your "wish, that the claim should be made, I am ready "to take it up, and *you may be assured nothing* "*in my power shall be left undone to carry it* "*through*."

IV.

That the reply of the said Hastings doth not appear; but that it does appear on record, that "a negotiation (Mr. Johnson's) was begun for "Fyzoola Khân's cavalry to act with General "Goddard,

" Goddard, and, on his (Fyzoola Khân's) *evading* " it, *that a sum of money was demanded.*"

V.

That in the months of February, March, and April, the Resident Middleton did repeatedly propose the resumption of Fyzoola Khân's Jaghire, agreeably to the treaty of Chunar; and that driven to extremity (as the said Hastings supposes) " by " the publick menaces and denunciations of the " Resident and minister," Hyder Beg Khân, a creature of the said Hastings (and both the minister and Resident acting professedly on and under the treaty of Chunar), " the Nabob Fyzoola Khân " made such preparations, and such a disposition " of his family and wealth, as evidently manifested " either an intended or an *expected rupture.*"

VI.

That on the 6th of May the said Hastings did send his confidential agent and friend, Major Palmer, on a private commission to Lucknow; and that the said Palmer was charged with secret instructions relative to Fyzoola Khân, but of what import cannot be ascertained, the said Hastings in his publick instructions having inserted only the name of Fyzoola Khân, as a mere reference (according to the explanation of the said Hastings) to what he had verbally communicated to the said

Palmer; and that the said Hastings was thereby guilty of a criminal concealment.

VII.

That some time about the month of August an engagement happened between a body of Fyzoola Khân's cavalry and a part of the Vizier's army, in which the latter were beaten, and their guns taken; that the Resident Middleton did represent the same but as a slight and accidental affray: that it was acknowledged the troops of the Vizier were the aggressors; that it did appear to the Board, and to the said Hastings himself, an affair of more considerable magnitude, and that they did make the concealment thereof an article of charge against the Resident Middleton, though the said Resident did in truth acquaint them with the same, but in a cursory manner.

VIII.

That, immediately after the said "fray" at Daranagur, the Vizier (who was "but a cipher in the "hands" of the minister and Resident, both of them directly appointed and supported by the said Hastings) did make of Fyzoola Khân a new demand, equally contrary to the true intent and meaning of the treaty, as his former requisitions; which new demand was for the detachment in garrison at Daranagur to be cantoned as a stationary force at Lucknow, the capital of the Vizier; whereas he

(the

(the Vizier) had only a right to demand an occasional aid to join his army in the field, or in garrison, during a war. But the said new demand being *evaded*, or rather refused, agreeably to the fair construction of the treaty by the Nabob Fyzoola Khân, the matter was for the present dropped.

IX.

That in the letter, in which the Resident Middleton did mention "what he calls the fray" aforesaid, the said Middleton did again apply for the resumption of the Jaghire of Rampore; and that, the objections against the measure being now removed (by the separate peace with Scindia) he desired to know if the Board "would give assurances of their support to the Vizier, in case, *which* (says the Resident) *I think very probable, his* (the Vizier's) *own strength should be found unequal to the undertaking*.

X.

That although the said Warren Hastings did make the foregoing application a new charge against the Resident Middleton, yet the said Hastings did only criminate the said Middleton for a proposal tending "at such a crisis to increase the number of "our enemies;" and did in no degree, either in his Articles of Charge, or in his accompanying Minutes, express any disapprobation whatever of the principle; that in truth the whole proceedings

of the said Resident were the natural result of the treaty of Chunar: that the proceedings were from time to time communicated to the said Hastings. That as he no where charges any disobedience of orders on Mr. Middleton with respect to Fyzoola Khân, it may be justly inferred, that the said Hastings did not interfere to check the proceedings of the said Middleton on that subject; and that by such criminal neglect the said Hastings did make the guilt of the said Middleton, whatever it might be, his own.

PECUNIARY COMMUTATION OF THE STIPULATED AID.

I.

THAT on the charges, and for the misdemeanors above specified, together with divers other accusations, the Governour-General, Warren Hastings, in September 1782, did remove the aforesaid Middleton from his office of Resident of Oude, and did appoint thereto John Bristow, Esquire, whom he had twice before, without cause, recalled from the same; and that about the same time the said Hastings did believe the mind of the Nabob Fyzoola Khân to be so irritated, in consequence of the above-recited conduct of the late Resident Middleton,

dictum, and of his (the said Hastings's) own criminal neglect, that he the said Hastings found it necessary to write to Fyzoola Khân, assuring him "of the "favourable disposition of the Government toward "him, while he shall not have forfeited it by any "improper conduct." But that the said assurances of the Governour-General did not tend, as soon after appeared, to raise much confidence in the Nabob, over whom a publick Instrument of the same Hastings was still holding the terrours of a deprivation of his Jaghire, and an exile "among "his other faithless brethren across the Ganges."

II.

That on the subject of Fyzoola Khân the said Hastings, in his instructions to the new Resident Bristow, did leave him to be guided by his own discretion; but (he adds) "be careful to prevent "the Vizier's affairs from being involved with new "difficulties, while he has already so many to "oppress him;" thereby plainly hinting at some more decisive measures whenever the Vizier should be less oppressed with difficulties.

III.

That the Resident Bristow, after acquainting the Governour-General with his intentions, did under the said instructions renew the aforesaid claim for a sum of money, but with much caution and circumspection,

circumspection, distinctly sounding Allif Khân, the Vackeel (or envoy) of Fyzoola Khân at the court of the Vizier: that "Allif Khân wrote to his master on the subject, and in answer he was directed not to agree to the granting of "any pecuniary aid."

IV.

That the Resident Bristow did then openly depute Major Palmer aforesaid, with the concurrence of the Vizier, and the approbation of the Governour-General, to the Nabob Fyzoola Khân, at Rampore; and that the said Palmer was to "endeavour to "convince the Nabob, that *all doubts of his at-* "*tachment to the Vizier are ceased*; *and whatever* "*claims may be made on him are founded upon the* "*basis of his interest and advantage, and a plan of* "*establishing his right to the possession of his* "*Jaghire.*" That the sudden ceasing of the said doubts, without any inquiry of the slightest kind, doth warrant a strong presumption of the Resident's conviction, that they never really existed, but were artfully feigned, as a pretence for some harsh interposition; and that the indecent mockery of establishing, as a matter of favour, for a pecuniary consideration rights, which were never impeached but by the treaty of Chunar (an instrument recorded by Warren Hastings himself to be founded on falsehood and injustice), doth powerfully prove the true purpose and object of all the duplicity, deceit, and double

furnished by Fyzoola Khân, would prove a literal compliance.

3d. That the said Hastings doth next resort again to the supposition of our right to the whole 5,000 cavalry.

4th. That the said Hastings doth afterwards think, in the event of an explanation of the treaty, and a settlement of the proportion of cavalry, instead of a pecuniary commutation, it will be all we can demand, that the number should *at least exceed* 2,500.

5th. That the said Hastings doth, in calculating the supposed time of their service, assume an arbitrary estimate of one year of war to four of peace; which (however moderate the calculation may appear on the average of the said Hastings's own government) doth involve a principle in a considerable degree repugnant to the system of perfect peace, inculcated in the standing orders of the Company.

6th. That, in estimating the pay of the cavalry to be commuted, the said Hastings doth fix the pay of each man at 50 rupees a month; which on 5,000 troops, all cavalry (as the said Hastings supposes the treaty of Lall-Dang to have meant) would amount to an expense of 30 lacks a year, or between £. 300,000 or £. 400,000. And this expense, strictly resulting (accordi to the calculations of the said Hastings) fro tion of Sujah ul Dowlah's grant to Fy designed to be

" for their attendance to exist only in the pr
" tion of *one year in five*, reduce the dema
" one thousand for the computation of the sul
" which at the rate *of fifty rupees* per ma
" amount to fifty thousand per mensem.
" may serve for the basis of this article i
" negotiation upon it."

VI.

That the said Warren Hastings doth then tinue to instruct the said Palmer in the alter of a refusal from Fyzoola Khân.

" If Fyzoola Khân shall refuse to treat
" subsidy, and claim the benefit of his o
" agreement in its literal expression, *he pos*
" *right, which we cannot dispute*, and it will
" case remain only to fix the precise nu
" horse, which he shall furnish, which ough
" to exceed 2,500."

VII.

That, in the above-recited instructior Warren Hastings doth insinuate (for directly assert),

1st. That we are entitled by trea troops, which he says were undoubte to be all cavalry.

2d. That the said Hastings doth that a single horseman, includec

furnished by Fyzoola Khân, would prove a literal compliance.

3d. That the said Hastings doth next resort again to the supposition of our right to the whole 5,000 cavalry.

4th. That the said Hastings doth afterwards think, in the event of an explanation of the treaty, and a settlement of the proportion of cavalry, instead of a pecuniary commutation, it will be all we can demand, that the number should *at least exceed* 2,500.

5th. That the said Hastings doth, in calculating the supposed time of their service, assume an arbitrary estimate of one year of war to four of peace; which (however moderate the calculation may appear on the average of the said Hastings's own government) doth involve a principle in a considerable degree repugnant to the system of perfect peace, inculcated in the standing orders of the Company.

6th. That, in estimating the pay of the cavalry to be commuted, the said Hastings doth fix the pay of each man at 50 rupees a month; which on 5,000 troops, all cavalry (as the said Hastings supposes the treaty of Lall-Dang to have meant) would amount to an expense of 30 lacks a year, or between £. 300,000 or £. 400,000. And this expense, strictly resulting (according to the calculations of the said Hastings) from the intention of Sujah ul Dowlah's grant to Fyzoola Khân, was designed to be

be supported out of a Jaghire, valued at 15 lacks only, or something more than £. 150,000 of yearly revenue, just half the amount of the expense to b incurred in consideration of the said Jaghire.

And that a basis of negotiation so inconsistent so arbitrary, and so unjust, is contrary to that uprightness and integrity, which should mark the transactions of a great state, and is highly derogatory to the honour of this nation.

VIII.

That notwithstanding the seeming moderation and justice of the said Hastings, in admitting the clear and undoubted right of Fyzoola Khân to insist on his treaty, the head of instruction immediately succeeding doth afford just reason for a violent presumption, that such apparent lenity was but policy, to give a colour to his conduct; he the said Hastings, in the very next paragraph, bringing forth a new engine of oppression, as follows:

" To demand the surrender of all the Reiats (or " peasants) of the Nabob Vizier's dominions, to " whom Fyzoola has given protection and service, " *or an annual tribute, in compensation for the los* " *sustained by the Nabob Vizier in his revenue,* " *thus transferred to Fyzoola Khân.*

" You have stated the increase of his Jaghire, " occasioned by this act, at the moderate sum of

" fifteen

" fifteen lacks. *The tribute ought at least to be one* " *third of that amount.*

" We conceive, that Fyzoola Khân himself may " be disposed to yield to the preceding demand, " on the additional condition of being allowed to " hold his lands in Ultumgaw (or an inheritable " tenure) instead of his present tenure by Jagheer " (or a tenure for life). This we think the Vizier " can have no objection to grant, and we recom- " mend it; *but for this a fine or peshcush ought to* " *be immediately paid in the customary proportion* " *of the Jumma, estimated at* 30 *lacks.*"

IX.

That the Resident Bristow (to whom the letter containing Major Palmer's instructions is addressed) no where attributes the increase of Fyzoola's Khân's revenues to this protection of the fugitive Reiats, subjects of the Vizier: that the said Warren Hastings was, therefore, not warranted to make that a pretext of such a peremptory demand; that as an inducement to make Fyzoola Khân agree to the said demand, it is offered to settle his lands upon a tenure, which would secure them to his children; but that settlement is to bring with it a new demand of a fine of thirty lacks, or £. 300,000 and upwards; that the principles of the said demand are violent and despotick, and the inducement to acquiescence deceitful and insidious; and that both the demand

and

and the inducement are derogatory to the honour of this nation.

X.

That Major Palmer aforesaid proceeded under these instructions to Rampore, where his journey "*to extort a sum of money*" was previously known from Alliff Khân, Vakeel of Fyzoola Khân at the Vizier's Court; and that, notwithstanding the assurances of the friendly disposition of Government given by the said Hastings (as is herein related), the Nabob Fyzoola Khân did express the most serious and desponding apprehensions, both by letter and through his Vakeel, to the Resident Bristow, who represents them to Major Palmer in the following manner:

"The Nabob Fyzoola Khân complains of the "distresses he has this year suffered from the "drought. The whole collections have, with great "management, amounted to about twelve lacks of "rupees, from which sum he has to support his "troops, his family, and several relations and de-"pendants of the late Rohilla Chiefs. *He says,* "*it clearly appears to be intended to deprive him of* "*his country, as the high demand you have made of* "*him is inadmissible.* Should he have assented to "it, it would be impossible to perform the con-"ditions, and then his reputation would be injured "by a breach of agreement. *Alliff Khân further* "*represents, that it is his master's intention, in case*

"*the*

" *the demand should not be relinquished by you,*
" *first to proceed to Lucknow, where he proposes*
" *having an interview with the Vizier and Resident;*
" *if he should not be able to obtain his own terms*
" *for a future possession of his Jaghire, he will set*
" *off for Calcutta in order to pray for justice from*
" *the Honourable the Governour-General.* He
" observes, it is the custom of the Honourable
" Company, when they deprive a Chief of his
" country, to grant him some allowance. This he
" expects from Mr. Hastings's bounty; *but if he*
" *should be disappointed, he will certainly set off*
" *upon a pilgrimage to Mecca and Medina, and*
" *renounce the cares of the world.*"

" *He directs his Vakeel to ascertain whether the*
" *English intend to deprive him of his country*;
" for if they do, he is ready to surrender it, upon
" receiving an order from the Resident."

XI.

That after much negotiation the Nabob Fyzoola Khân, " being fully sensible, that an engagement
" to furnish military aid, *however clearly the con-*
" *ditions might be stated, must be a source of per-*
" *petual misunderstanding and inconveniencies,*" did at length agree with Major Palmer to give fifteen lacks, or £. 150,000 and upwards, by four instalments, that he might be exempted from all future claims of military service: that the said Palmer

represents it to be his belief, "*that no person,* "*not known to possess your* (the said Hastings's) "*confidence and support in the degree, that I am* "*supposed to do,* would have obtained nearly so "good terms;" but from what motive "terms so "good" were granted, and how the confidence and support of the said Hastings did truly operate on the mind of Fyzoola Khân, doth appear to be better explained by another passage in the same letter, where the said Palmer congratulates himself on the *satisfaction, which he gave to Fyzoola Khân* in the conduct of this negotiation, as he spent a month in order to effect "by argument and per- "suasion, *what he could have obtained in an hour* "*by threats and compulsions.*"

FULL VINDICATION of FYZOOLA KHÂN BY MAJOR PALMER AND MR. HASTINGS.

I.

THAT in the course of the said negotiation for establishing the rights of the Nabob Fyzoola Khân, Major Palmer aforesaid did communicate to the Resident Bristow, and through the said Resident to the Council-General of Bengal, the full and direct denial of the Nabob Fyzoola Khân to all

and

and every of the charges made or pretended to be made against him, as follows:

"Fyzoola Khân persists in denying the infringement on his part of any one article in the treaty, or the neglect of any obligation, which it imposed upon him.

"He does not admit of the *improvements reported to be made* in his Jaghire; and even asserts, that the collections this year will fall short of the original Jumma (or estimate) by reason of the long drought.

"He denies having exceeded the limited number of Rohillas in his service;

"And having refused the required aid of cavalry, made by Johnson, to act with General Goddard.

"He observes, respecting the charge of evading the Vizier's requisition for the cavalry, lately stationed at Daranagur, to be stationed at Lucknow, that he is not bound by treaty to maintain a stationary force for the service of the Vizier, but to supply an aid of 2,000 or 3,000 troops in time of war.

"Lastly, he asserts, that so far from encouraging the Ryots (or peasants) of the Vizier to settle in his Jaghire, it has been his constant practice to deliver them up to the Aumil of Rohilcund, whenever he could discover them."

II.

That, in giving his opinions on the aforesaid denials of the Nabob Fyzoola Khân, the said Palmer did not controvert any one of the constructions of the treaty advanced by the said Nabob.

That although the said Palmer, "from general "appearances as well as universal report, did not "doubt, that the Jumma of the Jaghire is *greatly* "*increased*," yet he the said Palmer did not intimate, that it was increased in any degree near the *amount reported*, as it was drawn out in a regular estimate, transmitted to the said Palmer expressly for the purposes of his negotiation; which was of course by him produced to the Nabob Fyzoola Khân, and to which specifically the denial of Fyzoola Khân must be understood to apply.

That the said Palmer did not hint any doubt of the deficiency affirmed by Fyzoola Khân in the collections for the current year: and,

That if any increase of Jumma did truly exist, whatever it may have been, the said Palmer did acknowledge it "to have been solemnly relin-"quished (in a private agreement) by the Vizier."

That although the said Palmer did suppose the number of Rohillas (employed "in ordinary occu-"pations) in Rampore alone, to exceed that limited "by the treaty for his (Fyzoola Khân's) service,"

yet

yet the said Palmer did by no means imply, that the Nabob Fyzoola Khân *maintained in his service* a single man more than was allowed by treaty; and by a particular and minute account of the troops of Fyzoola Khân, transmitted by the Resident Bristow to the said Palmer, the number was stated but at 5,840, probably including officers, who were not understood to be comprehended in the treaty.

That the said Palmer did further admit it "*to be* "*not clearly expressed* in the treaty, whether the "restriction included Rohillas of all descriptions;" but at any rate he adds, "it does not appear, "that their number is formidable; or that he "(Fyzoola Khân) *could by any means subsist such* "*numbers as could cause any serious alarm to the* "*Vizier*; neither is there any appearance of their "entertaining any views beyond the quiet possession of the advantages, which they at present "enjoy."

And that in a subsequent letter, in which the said Palmer thought it prudent "to vindicate "himself from any possible insinuation, that he "meant to sacrifice the Vizier's interest," he, the said Palmer, did positively attest the new claim on Fyzoola Khân for the protection of the Vizier's Ryots to be wholly without foundation; as the Nabob Fyzoola Khân "had proved to him (Pal-"mer) by producing receipts of various dates,

" *moted*" by "*establishing the rights*" of Fyzoola Khân, than they could have been by "*depriving* " *him of his independency*;" when every undue influence of secret and criminal purposes was removed from the mind of the Governour-General, Warren Hastings, Esquire, he the said Hastings did also concur with his friend and agent, Major Palmer, in the vindication of the Nabob Fyzoola Khân, and in the most ample manner.

That the said Warren Hastings did now clearly and explicitly understand the clauses of the treaty, " that Fyzoola Khân should send *two* or *three* (and " not *five*) thousand men, or *attend in person, in* " *case it was requisite.*"

That the said Warren Hastings did now confess, that the right of the Vizier, under the treaty, was at best " but a *precarious and unserviceable right*; " and that he thought 15 lacks, or £. 150,000 and " upwards, an ample equivalent," (or, according to the expression of Major Palmer, *an excellent bargain*) as in truth it was, " for expunging an article " of such a tenour, and so loosely worded." And finally, that the said Hastings did give the following description of the general character, disposition, and circumstances of the Nabob Fyzoola Khân:

" The rumours, which had been spread of his " hostile designs against the Vizier, were totally " groundless, and if he had been inclined, he had " not the means, to make himself formidable; on

" the contrary, being in the decline of life, and " possessing a very fertile and prosperous Jaghire, " it is more natural to suppose, that Fyzoola Khân " wishes to spend the remainder of his days in " quietness, than that he is preparing to embark " in active and offensive scenes, which must end " in his own destruction."

V.

Yet that, notwithstanding this virtual and implied crimination of his whole conduct toward the Nabob Fyzoola Khân, and after all the aforesaid acts systematically prosecuted in open violation of a positive treaty against a prince, who had an hereditary right to more than he actually possessed, for whose protection the faith of the Company and the nation was repeatedly pledged, and who had deserved and obtained the publick thanks of the British Government, when, in allusion to certain of the said acts, the Court of Directors had expressed to the said Hastings their wishes " to be " considered rather as the guardians of the honour " and property of the Native Powers, than as the " instruments of oppression;" he, the said Hastings, in reply to the said Directors, his masters, did conclude his official account of the final settlement with Fyzoola Khân, with the following indecent, because unjust, exultation;

" Such

" Such are the measures, which we shall ever " wish to observe towards our allies or dependants " upon our frontiers."

*** *AS the Letter referred to in the VIIIth and XVIth Articles of Charge is not contained in any of the Appendixes to the Reports of the Select Committee, it has been thought necessary to annex it as an Appendix to these Charges.*

APPENDIX

TO THE

VIIIth AND XVIth CHARGES.

Copy of a LETTER from Warren Hastings, Esquire, to William Devaynes, Esq. Chairman of the Court of Directors of the East-India Company, dated Cheltenham, 11th of July 1785; and printed by Order of the House of Commons.

To William Devaynes, Esquire, Chairman of the Honourable the Court of Directors.

SIR,

THE Honourable Court of Directors, in their general letter to Bengal, by the Surprise, dated the 16th March 1784, were pleased to express their desire, that I should inform them of the periods when each sum of the presents, mentioned in my Address of the 22d May 1782, was received, what were my motives for withholding the several receipts from the knowledge of the Council, or of the Court of Directors, and what were my reasons for taking bonds

bonds for part of these sums, and for paying other sums into the Treasury as deposits on my own account.

I have been kindly apprized, that the information required as above is yet expected from me. I hope, that the circumstances of my past situation, when considered, will plead my excuse for having thus long withheld it. The fact is, that I was *not* at the Presidency when the Surprise arrived; and when I returned to it, my time and attention were so entirely engrossed to the day of my final departure from it by a variety of other more important occupations, of which, Sir, I may safely appeal to your testimony, grounded on the large portion contributed by myself of the volumes, which compose our Consultations of that period, that the submission, which my respect would have enjoined me to pay to the command imposed on me, was lost to my recollection, perhaps from the stronger impression, which the first and distant perusal of it had left on my mind, that it was rather intended as a reprehension for something, which had given offence in my report of the original transaction, than as expressive of any want of a further elucidation of it.

I will now endeavour to reply to the different questions, which have been stated to me, in as explicit a manner as I am able. To such information as I can give the honourable Court is fully

entitled, and where that shall prove defective I will point out the easy means, by which it may be rendered more complete.

First, I believe I can affirm with certainty, that the several sums mentioned in the account transmitted with my letter, above mentioned, were received at or within a very few days of the dates, which are prefixed to them in the account; but as this contains only the gross sums, and each of these was received in different payments, though at no great distance of time, I cannot therefore assign a greater degree of accuracy to the account. Perhaps the honourable Court will judge this sufficient for any purpose, to which their inquiry was directed; but if it should not be so, I will beg leave to refer for a more minute information, and for the means of making any investigation, which they may think it proper to direct, respecting the particulars of this transaction, to Mr. Larkins, your Accomptant-General, who was privy to every process of it, and possesses, as I believe, the original paper, which contained the only account, that I ever kept of it. In this each receipt was, as I recollect, specifically inserted, with the name of the person, by whom it was made; and I shall write to him to desire, that he will furnish you with the paper itself, if it is still in being, and in his hands, or with whatever he can distinctly recollect concerning it.

For my motives for withholding the several receipts

receipts from the knowledge of the Council, or of the Court of Directors, and for taking bonds for part of these sums, and paying others into the Treasury as deposits on my own account, I have generally accounted in my letter to the honourable the Court of Directors of the 22d May 1782; namely, that "I either chose to conceal the first receipts from publick curiosity, "by receiving bonds for the amount, or possibly acted without any studied design, which "my memory, at that distance of time, could "verify; and that I did not think it worth my "care to observe the same means with the "rest."—It will not be expected, that I should be able to give a more correct explanation of my intentions after a lapse of three years, having declared at the time, that many particulars had escaped my remembrance; neither shall I attempt to add more than the clearer affirmation of the facts implied in that report of them, and such inferences as necessarily, or with a strong probability, follow them. I have said, that the three first sums of the account were paid into the Company's Treasury without passing through my hands. The second of these was forced into notice by its destination and application to the expense of a detachment, which was formed and employed against Madajee Scindia, under the command of Lieutenant-Colonel Camac, as I particularly

particularly apprized the Court of Directors, in my letter of the 29th November 1780. The other two were certainly not intended, when I received them, to be made publick, though intended for publick service, and actually applied to it. The exigencies of the Government were at that time my own, and every pressure upon it rested with its full weight upon my mind. Wherever I could find allowable means of relieving those wants, I eagerly seized them; but neither could it occur to me as necessary to state on our proceedings every little aid, which I could thus procure, nor do I know how I could have stated it, without appearing to court favour by an ostentation, which I disdain, nor without the chance of exciting the jealousy of my colleagues by the constructive assertion of a separate and unparticipated merit, derived from the influence of my station, to which they might have laid an equal claim. I should have deemed it particularly dishonourable to receive for my own use money tendered by men of a certain class, from whom I had interdicted the receipt of presents to my inferiours, and bound them by oath not to receive them. I was therefore more than ordinarily cautious to avoid the suspicion of it, which would scarcely have failed to light up me, had I suffered the money to be directly to my own house, or to that of

known to be in trust for me; for these reasons I caused it to be transported immediately to the Treasury. There, you well know, Sir, it could not be received without being passed to some credit, and this could only be done by entering it as a loan, or as a deposit; the first was the least liable to reflection, and therefore I had obviously recourse to it. Why the second sum was entered as a deposit, I am utterly ignorant; possibly it was done without any special direction from me; possibly because it was the simplest mode of entry, and therefore preferred, as the transaction itself did not require concealment, having been already avowed.

Although I am firmly persuaded, that these were my sentiments on the occasion, yet I will not affirm, that they were. Though I feel their impression as the remains of a series of thoughts retained on my memory, I am not certain, that they may not have been produced by subsequent reflection on the principal fact, combining with it the probable motives of it. Of this I am certain, that it was my design originally to have concealed the receipt of all the sums, except the second, even from the knowledge of the Court of Directors. They had answered my purpose of publick utility, and I had almost totally dismissed them from my remembrance. But when fortune threw a sum in my way of a magnitude, which could not

be

be concealed, and the peculiar delicacy of my situation at the time, in which I received it, made me more circumspect of appearances, I chose to apprize my employers of it, which I did hastily and generally; hastily, perhaps to prevent the vigilance and activity of secret calumny; and generally, because I knew not the exact amount of the sum, of which I was in the receipt, but not in the full possession: I promised to acquaint them with the result as soon as I should be in possession of it, and in the performance of my promise I thought it consistent with it to add to the account all the former appropriations of the same kind; my good genius then suggesting to me, with a spirit of caution, which might have spared me the trouble of this apology, had I universally attended to it, that if I had suppressed them, and they were afterwards known, I might be asked, what were my motives for withholding part of these receipts from the knowledge of the Court of Directors, and informing them of the rest.

It being my wish to clear up every doubt upon this transaction, which either my own mind could suggest, or which may have been suggested by others, I beg leave to suppose another question, and to state the terms of it in my reply, by informing you, that the endorsement on the bonds was made about the period of my [illegible] dency, in the middle of the year [illegible]

guard against their becoming a claim on the Company, as part of my estate, in the event of my death occurring in the course of the service, on which I was then entering.

This, Sir, is the plain history of the transaction. I should be ashamed to request, that you would communicate it to the honourable Court of Directors, whose time is too valuable for the intrusion of a subject so uninteresting, but that it is become a point of indispensable duty; I must therefore request the favour of you to lay it, at a convenient time, before them. In addressing it to you personally, I yield to my own feelings of the respect, which is due to them as a body, and to the assurances, which I derive from your experienced civilities, that you will kindly overlook the trouble imposed by it.

I have the honour to be, Sir,
Your very humble and
most obedient Servant,
(Signed) *Warren Hastings.*

Cheltenham,
11 July 1785.

END OF THE TWELFTH VOLUME.

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